

FEDERAL REGISTER

THE NATIONAL ARCHIVES
OF THE UNITED STATES
1934

VOLUME 25 NUMBER 76

Washington, Tuesday, April 19, 1960

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Announcement

CFR SUPPLEMENTS

(As of January 1, 1960)

The following Supplements are now available:

Title 33----- \$1.75
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Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 1-50 (\$0.45); Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Title 8 (\$0.40); Title 9 (\$0.35); Titles 10-13 (\$0.50); Title 18 (\$0.55); Title 20 (\$1.25); Titles 22-23 (\$0.45); Title 25 (\$0.45); Title 26 (1939), Parts 1-79 (\$0.40); Parts 80-169 (\$0.35); Parts 170-182 (\$0.35); Parts 300 to End (\$0.40); Title 26, Part 1 (\$8 1.01-1.499) (\$1.75); Parts 1 (\$ 1.500 to End)-19 (\$2.25); Parts 20-169 (\$1.75); Parts 170-221 (\$2.25); Part 300 to End (\$1.25); Titles 28-29 (\$1.75); Titles 30-31 (\$0.50); Title 32, Parts 700-799 (\$1.00); Parts 800-999, Revised (\$3.75); Part 1100 to End (\$0.60); Title 36, Revised (\$3.00); Title 38 (\$1.00); Title 46, Parts 146-149, Revised (\$6.00); Part 150 to End (\$0.65); Title 49, Parts 1-70 (\$1.75); Parts 91-164 (\$0.45); Part 165 to End (\$1.00).

Order from the Superintendent of Documents, Government Printing Office, Washington 25, D.C.



REpublic 7-7500

Extension 3261

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

Determination With Respect to Supply of Valencia Type Peanuts for 1960—61 Marketing Year

The purpose of this proclamation is to establish that the supply of Valencia type peanuts for the marketing year beginning August 1, 1960, will be insufficient to meet the estimated demand for cleaning and shelling purposes, to establish the extent of increase in State allotments for States producing peanuts of such type required to meet such demand, and to apportion such increases to such States. These determinations are made pursuant to section 358(c) of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1358(c)), which reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951-52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Section 729.1104(a) of this proclamation defines each of the four commonly known basic types of peanuts—Runner, Spanish, Valencia, and Virginia—by describing the outstanding physical characteristics of each type and identifying the areas of the United States in which each is most commonly grown.

Section 729.1104(b) establishes that the supply of Valencia type peanuts for the marketing year beginning August 1, 1960, will be insufficient to meet the esti-

mated demand for cleaning and shelling purposes at prices at which Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it. Section 729.1104(b) also establishes the total increase in State allotments required to meet the prescribed demand for Valencia type peanuts.

Section 729.1104(c) apportions the increase determined under § 729.1104(b) to States producing Valencia type peanuts. Such increase is prorated to such States on the basis of the average acreage of Valencia type (excluding acreage in excess of farm allotments) grown in each State in the three years 1957-1959, but the allotment for no State is increased above the 1947 harvested acreage of peanuts for the State. For the purpose of this proclamation "farm allotments" mean the allotments established for the farms prior to any increase from released acreage or from the additional acreage allotted to farms under section 358(c) (2) of the Agricultural Adjustment Act of 1938, as amended. The 1957-1959 average acreage used for the purposes of the aforementioned apportionment was determined by the State and county committees, in accordance with instructions issued by the Deputy Administrator, on the basis of data reported by the farm operators and county office records of peanut acreages and production. The same data will be used as the basis for apportioning the State acreage to farms in accordance with the provisions of § 729.1026 of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 4803, 9611, 25 F.R. 897).

Section 729.1104(d) specifies that the increase in acreage allotted to States under § 729.1104(c) shall not be considered in establishing future State, County, or farm acreage allotments.

Public notice of the proposed document with respect to the supply of Valencia type peanuts for the 1960-61 marketing year was given (25 F.R. 2063) in accordance with the Administrative Procedure Act (5 U.S.C. 1003). This proclamation is made after due consideration of recommendations submitted in response to such notice. Peanut farmers are now making plans for the production of peanuts in 1960. In order that the State and county Agricultural Stabilization and Conservation committees may establish farm acreage allotments including the apportionment of the additional acreage provided herein for Valencia type peanuts, and issue allotment notices to farm operators at the earliest possible date, it is essential that this proclamation be made effective as soon as possible. Accordingly, it is hereby determined and found that notice and public procedure thereon and compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and the regulations and additional acreage allotments contained herein shall be ef-

fective upon filing of this document with the Director, Division of the Federal Register.

§ 729.1104 Definition of types of peanuts, amount of increase, and apportionment of increase among States.

(a) *Definition of types of peanuts.* For the 1960 crop of peanuts, the generally known types of peanuts are defined as follows:

(1) "Runner type peanuts" means peanuts commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner, or Runner, produced principally in the Southeastern peanut-producing area of the United States and identified by the following characteristics: Typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel, having shells fairly thick and strong, with shallow veining and corrugation; and seeds crowded in pod with adjacent ends sharply shouldered. Runner type peanuts will also include lots or loads of peanuts having Virginia type characteristics but not meeting size requirements specified in subparagraph (4) of this paragraph for Virginia type peanuts.

(2) "Spanish type peanuts" means peanuts commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish; produced principally in the Southeastern and Southwestern peanut-producing areas of the United States and identified by the following general characteristics: Typically two-seeded pods, which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep; and seed globular to oval and practically smooth.

(3) "Valencia type peanuts" means peanuts common known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia, produced principally in Tennessee and New Mexico, and identified by the following general characteristics: Typically three- or four- and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation; and seeds globular to oval.

(4) "Virginia type peanuts" means peanuts commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia, produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and identified by the following general characteristics: Typically two-seeded pods which are of an average size larger than any other type; pods are roughly cylindrical, with veining and corrugation deep; and seeds cylindrical with pointed ends, length two or three times diameter, and practically smooth. Any lot or load

of peanuts produced from Virginia type seed which contains less than 30 percent "Fancy" size (peanuts riding a $3\frac{3}{4}$ " x 3" slotted screen) will be considered Runner type peanuts.

(b) *Designation of type for which increase is needed and determination of total increase.* The State acreage allotments for peanuts of the 1960 crop for States which produced Valencia type peanuts during any one or more of the years 1957, 1958, and 1959 shall be increased by a total of 1,761.0 acres. This increase is determined to be the additional acreage required to meet the demand for Valencia type peanuts for

cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

(c) *Apportionment of increase to States.* The acreages established in paragraph (b) of this section, less reserves of one-fourth of one percent of such acreage which shall be used for adjusting increases in State allotments determined on the basis of incomplete or inaccurate data, are hereby apportioned to States on the basis of the average acreage (excluding acreage in excess of farm allotments) of Valencia type peanuts in each State in 1957, 1958, and 1959;

State	1947 harvested acreage of peanuts	1957-59 average acreage Valencia type peanuts	Increase in State allotment for Valencia type peanuts	Previous State allotment ¹	Revised State allotment
Alabama	463,000	104.0	51.0	218,488.2	218,539.2
Arizona	0	0	0	717.4	717.4
Arkansas	8,000	0	0	4,225.5	4,225.5
California	0	0	0	940.5	940.5
Florida	105,000	106.0	33.0	55,345.7	55,378.7
Georgia	1,124,000	146.0	46.0	528,471.2	528,517.2
Louisiana	5,000	0	0	1,965.1	1,965.1
Mississippi	15,000	0	0	7,564.4	7,564.4
Missouri	0	0	0	247.1	247.1
New Mexico	14,000	4,558.0	1,426.0	5,021.9	6,447.9
North Carolina	292,000	0	0	109,089.2	109,089.2
Oklahoma	325,000	0	0	138,338.7	138,338.7
South Carolina	26,000	215.0	67.0	13,825.3	13,892.3
Tennessee	5,000	354.0	111.0	3,629.7	3,740.7
Texas	836,000	72.0	23.0	350,427.7	350,450.7
Virginia	162,000	0	0	105,702.4	105,702.4
Reserve	0	0	4.0	0	4.0
U.S. total	3,380,000	5,615.0	1,761.0	1,610,000.0	1,611,761.0

¹ Including the acreage apportioned to each State from the reserve for new farm allotments.

This increase does not result in increasing the State allotment for any State above the 1947 harvested acreage of peanuts for such State.

(d) *No credit for future allotments.* The increase in acreage allotted to States and farms pursuant to paragraph (c) of this section shall not be considered in establishing future State, county, or farm acreage allotments.

(e) *Definitions and miscellaneous provisions.* The applicable definitions and provisions in §§ 729.1010 to 729.1063 of the Allotment and Marketing Quota Regulations for Peanuts of the 1959 and Subsequent Crops (23 F.R. 8515, 24 F.R. 2677, 6803, 9611, 25 F.R. 897) shall apply to paragraphs (a) to (e) of this section. (Sec. 358(c) (2), 375, 55 Stat. 89, as amended, 65 Stat. 29, 52 Stat. 66, as amended; 7 U.S.C. 1375, 1358(c))

Issued at Washington, D.C., this 14th day of April 1960.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 60-3527; Filed, Apr. 18, 1960; 8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 841, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order

No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information; it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.948 (Lemon Regulation 841, 25 F.R. 3062) are hereby amended to read as follows:

(ii) District 2: 285,510 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 14, 1960.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 60-3524; Filed, Apr. 18, 1960; 8:48 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55100]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

Authority of Collectors of Customs To Release Seized Property Upon Payment of Appraised Value

Under certain conditions, collectors of customs are authorized by § 23.14(a) of the Customs Regulations to release seized property appraised at not over \$5,000 to claimants upon payment of its appraised value under section 614 of the Tariff Act of 1930 (19 U.S.C. 1614). To delegate to collectors of customs additional authority to release seized property appraised not in excess of \$50,000, § 23.14(a) is amended by substituting "\$50,000" for "\$5,000" appearing therein.

(R.S. 161, 251, secs. 614, 624, 48 Stat. 757, 759; 5 U.S.C. 22, 19 U.S.C. 66, 1614, 1624)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: April 11, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-3509; Filed, Apr. 18, 1960; 8:46 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 15—CEREAL FLOURS AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

Enriched Rice; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919, 21 U.S.C. 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of February 26, 1960 (25 F.R. 1686), and the amendments promulgated by that order will become effective on April 26, 1960.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: April 12, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 60-3510; Filed, Apr. 18, 1960;
8:47 a.m.]

PART 53—TOMATO PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

Tomato Puree; Effective Date of Order Amending Standard of Identity

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055, as amended 70 Stat. 919, 21 U.S.C. 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), notice is hereby given that no objections were filed to the order published in the FEDERAL REGISTER of February 26, 1960 (25 F.R. 1687), and the amendment promulgated by that order will become effective on April 26, 1960.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U.S.C. 341)

Dated: April 12, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 60-3511; Filed, Apr. 18, 1960;
8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Extension of Effective Date of Public Law 86-139 as It Affects Section 408 of the Federal Food, Drug, and Cosmetic Act

The Commissioner of Food and Drugs, pursuant to authority provided in Public Law 86-139 (73 Stat. 288, 7 U.S.C. 135 et seq.) and delegated to him by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), on April 5, 1960 (25 F.R. 2836) extended the effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act for certain specified uses of nematocides, plant regulators, defoliants, or desiccants. The list published on that date is hereby amended by adding thereto the following items:

§ 120.35 Extension of effective date of Public Law 86-139 as it affects section 408 of the Federal Food, Drug, and Cosmetic Act.

To permit additional data to be secured in support of petitions for tolerances or exemptions from the requirement of a tolerance for residues that re-

main from use of the pesticide chemicals listed in this section, to permit the Food and Drug Administration to process such petitions, and on the basis of available scientific data which indicate that no undue risk to the public health is involved and on the basis of a finding that conditions exist that make necessary the prescribing of an additional period of time for obtaining tolerances or for granting exemptions from tolerances, the

following pesticide chemicals may be used in or on the specified raw agricultural commodities for the purpose specified, for a period of 1 year from March 6, 1960, or until regulations shall have been issued establishing tolerances or exemptions from the requirement of tolerances in accordance with section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(a)), whichever occurs first:

Product	Specified uses or restrictions
p-Chlorophenoxy acetic acid or its diethanolamine salt.	On tomato blossoms to increase fruit set.
Do.	On cane berries and grapes to produce larger fruit.
Do.	On figs to produce large seedless fruit.
1,2-Dibromo-3-chloropropane.	Soil fumigant for nematodes.
1,2-Dichloropropane.	Do.
1,3-Dichloropropene.	Do.
Gibberellic acid.	On grapes to increase fruit size.
Magnesium chlorate.	On cotton as defoliant.
a-Naphthalene acetic acid or its ammonium salt.	On olives to reduce fruit set.
β-Naphthoxyacetic acid.	Blossom spray to increase set of fruits and vegetables.
Pentachlorophenol.	On cotton, potato vines, sugar beet tops, and soybeans as defoliant.
Sodium metaborate.	On cotton as defoliant.
Sodium chlorate.	Do.
2,4,5-Trichlorophenoxy acetic acid or its butyl ester.	On grapefruit to increase size and control fruit drop.
2,4,5-Trichlorophenoxy acetic acid or its triethylamine salt.	On apricots to improve color and to control fruit drop.
a-2,4,5-Trichlorophenoxy propionic acid or its diethylamine salt.	On apples to improve color and control fruit drop.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since extensions of time, under certain conditions, for the effective date of the Nematocide, Plant Regulator, Defoliant, and Desiccant Amendment of 1959 were contemplated by the statute as a relief of restrictions on the agricultural industry.

Effective date. This order shall be effective on the date of signature.

(Sec. 701(a), 52 Stat. 1055, as amended; 21 U.S.C. 371 (a). Applies sec. 3 (b), Public Law 86-139 (73 Stat. 288; 7 U.S.C. 135 et seq.)

Dated: April 12, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 60-3513; Filed, Apr. 18, 1960;
8:47 a.m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tolerances for Residues of 1-Naphthyl N-Methylcarbamate

Two petitions were filed with the Food and Drug Administration by Union Carbide Chemicals Corporation, 30 East 42d Street, New York, New York, requesting the establishment of tolerances for residues of 1-naphthyl N-methylcarbamate in or on bananas, cucumbers, and summer squash.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petitions and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)) and delegated to the Commissioner of Foods and Drugs by the Secretary (21 CFR, 1958 Supp., 120.7(g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.169 (24 F.R. 1982, 2982; 25 F.R. 241, 2364)) are amended by changing § 120.169(a) to read as follows:

§ 120.169 Tolerances for residues of 1-naphthyl N-methyl carbamate.

* * * * *

(a) 10 parts per million in or on apples, bananas, beans, cherries, cucumbers, grapes, peaches, pears, plums (fresh prunes), summer squash, strawberries.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are

supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the *FEDERAL REGISTER*.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 12, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 60-3514; Filed, Apr. 18, 1960;
8:47 a.m.]

SUBCHAPTER C—DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

Bacitracin- or Zinc Bacitracin-Neomycin-Polymyxin Troches

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045, 23 F.R. 9500), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR and 21 CFR, 1958 Supp., 146e.419 (24 F.R. 9930)) are amended as indicated below:

Section 146e.419(c)(1) is amended by changing subdivision (iii) to read as follows:

§ 146e.419 Bacitracin-neomycin-polymyxin troches; zinc bacitracin-neomycin-polymyxin troches.

(c) Labeling. * * *

(1) * * *

(iii) The statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified, except that the blank may be filled in with the date that is 18 months or 24 months or 36 months or 48 months or 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed therefor by paragraph (a) of this section.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment has been drawn in collaboration with interested members of the affected industry, and it would be against public interest to delay providing therefor.

Effective date. This order shall become effective upon publication in the

FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 12, 1960.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of
Food and Drugs.

[F.R. Doc. 60-3512; Filed, Apr. 18, 1960;
8:47 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is hereby amended in the following respect:

Paragraph (a) *Canadian nationals and British subjects of § 41.6 Nonimmigrants not required to present passports, visas, or border-crossing identification cards* is amended to read as follows:

(a) *Canadian nationals and British subjects.* A visa shall not in any case be required of a Canadian national, and a passport shall not be required of such a national except after a visit outside of the Western Hemisphere. A visa shall not be required of a British subject who has his residence in Canada or Bermuda, and a passport shall not be required of such a subject except after a visit outside of the Western Hemisphere. A British subject who has his residence in the Bahamas shall require a passport and a visa for admission to the United States except that a visa shall not be required of such an alien who, prior to or at the time of embarkation for the United States on a vessel or aircraft, satisfies the examining United States immigration officer at Nassau, Bahamas that he is clearly and beyond a doubt entitled to admission in all other respects. A visa shall not be required of a British subject who has his residence in, and arrives directly from, the Cayman Islands and who presents a certificate from the Clerk of Court of the Cayman Islands stating what, if anything, the Court's criminal records show concerning such subject, and a certificate from the Office of Administrator of the Cayman Islands stating what, if anything, its records show with respect to such subject's political associations or affiliations.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulation contained therein

involves foreign affairs functions of the United States.

Dated: April 13, 1960

JOHN W. HANES, Jr.,
Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: April 14, 1960

J. M. SWING,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F.R. Doc. 60-3556; Filed, Apr. 18, 1960;
8:49 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER F—PERSONNEL

PART 571—RECRUITING AND ENLISTMENTS

Qualifications

In § 571.2, revise paragraph (a)(3)(ii); revise paragraph (b)(4); revise paragraph (c)(2)(i); and add new subdivision (x) to paragraph (e)(6), as follows:

§ 571.2 Qualifications for enlistment.

(a) *Age requirements.* * * *

(3) *Prior service personnel.* Thirty-five years and over but less than 55 years, provided:

(ii) Applicants age is not greater than 35 plus the number of completed years of prior honorable active Federal service. (For women, count only honorable active service since May 14, 1942.)

(b) *Citizenship.* * * *

(4) *Exception.* Aliens who enlisted in the Regular Army prior to June 30, 1959 under the provisions of SR 615-120-15 or AR 601-249 (Lodge Act of June 30, 1950 (Public Law 597, 81st Cong.; 64 Stat. 316), as amended by the acts of June 19, 1951 (Public Law 51, 82nd Cong.; 65 Stat. 89), June 27, 1952 (Public Law 414, 82nd Cong.; 66 Stat. 276), July 12, 1955 (Public Law 149, 84th Cong.; 69 Stat. 297), and July 24, 1957 (Public Law 116, 85th Cong.; 71 Stat. 311)), are authorized to reenlist immediately (within 24 hours following discharge) without regard to citizenship status. However, such individuals must obtain United States citizenship within 1 year from date of reenlistment, or within 6 months subsequent to return to continental United States if reenlistment was accomplished while serving overseas. Reenlistment subsequent to the 24 hours period following discharge will be accomplished only under conditions prescribed in subparagraph (1) of this paragraph.

(c) *Educational requirements.* * * *

(2) *Women—(1) Nonprior service.* Women without prior military service

must possess a certificate of graduation from high school or must present evidence that they have successfully completed the high school level General Educational Development test. Applicants who require administration of the GED test or who desire information relative thereto will be advised to communicate with the department of education of the appropriate State.

(e) *Classes ineligible to enlist or reenlist unless waiver is granted.* * * *

(6) *Persons last separated under certain conditions.* * * *

(x) (a) Applicants last separated from the Air Force whose DD Form 214 (Armed Forces of the United States Report of Transfer or Discharge) contains the notation in the remarks item "RE-2". These applicants will not be enlisted or reenlisted in the Regular Army without prior approval of The Adjutant General.

(b) Applicants last separated from the Air Force whose DD Form 214 contains the notation "RE-3 but ineligible to enlist or reenlist in the USAF for 91 days" may be enlisted in the Regular Army, without prior approval of The Adjutant General, provided otherwise qualified.

[C2, AR 601-210, 25 March 1960] (Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 60-3494; Filed, Apr. 18, 1960; 8:45 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—CONDITIONS APPLICABLE TO ALL CLASSES

PART 143—STATE DEPARTMENT REGULATIONS (ARMS AND TECHNICAL DATA)

International Mail Regulations

The regulations of the Post Office Department are amended as follows:

§ 111.3 [Amendment]

I. In § 111.3 *Prohibitions and restrictions*, as published in Federal Register Document 60-1246, 25 F.R. 1095-1126, and amended by Federal Register Document 60-1416, 25 F.R. 1314-1315, Federal Register Document 60-1648, 25 F.R. 1618-1619, make the following changes:

A. Subparagraph (9) of paragraph (a) is amended for the purpose of clarification to read as follows:

(a) *General list of prohibited articles.* * * *

(9) Written communications having the character of actual and personal correspondence, except in the form of letters or post cards or under the conditions stated in § 112.4(d) (4) of this chapter.

NOTE: The corresponding Postal Manual Section is 221.311.

B. In subdivision (1) of paragraph (b) (5) insert "Union of South Africa (ex-

cept Basutoland and Swaziland)" in the proper alphabetical order of countries which accept letter packages containing perishable biological material.

NOTE: The corresponding Postal Manual Section is 221.325a.

(R.S. 161, as amended; 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

II. Section 143.4 *Mailing exempt from license*, as published in Federal Register Document 60-1246, 25 F.R. 1095-1126, and amended by Federal Register Document 60-1416, 25 F.R. 1314-1315, is amended to reflect changes in the export licensing regulations of the Department of State. As so amended, § 143.4 reads as follows:

§ 143.4 Mailings exempt from license.

Technical data that has been published or is otherwise exempt from licensing under section 125.30 of title 22, Code of Federal Regulations, does not require individual State Department license for exportation. The mailer must mark the wrapper "22 CFR 125.30 * * * applicable", identifying the specific subsection under which the exemption is claimed. Exportations under this exemption may not be made to the Soviet Union, any Soviet bloc country, Communist China, or the Communist-controlled area of Vietnam.

NOTE: The corresponding Postal Manual Section is 253.4.

(R.S. 161, as amended; 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

III. Section 143.5 *Government shipments*, as published in Federal Register Document 60-1246, 25 F.R. 1095-1126, and amended by Federal Register Document 60-1416, 25 F.R. 1314-1315, is amended for the purpose of clarification to read as follows:

§ 143.5 Government shipments.

Shipments mailed by any agency of the United States Government require no license from the Department of State and no endorsement relating to 22 CFR 125.30 is needed on the wrapper.

NOTE: The corresponding Postal Manual Section is 253.5.

(R.S. 161, as amended; 396, as amended, 398, as amended; 5 U.S.C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F.R. Doc. 60-3502; Filed, Apr. 18, 1960; 8:45 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Vocational Rehabilitation and Education

Part 2, Chapter I of Title 38 of the Code of Federal Regulations is amended by adding new §§ 2.58, 2.59, 2.60 and 2.61 as follows:

§ 2.58 Director, Vocational Rehabilitation and Education Service authorized to disapprove any educational institution for further enrollments of veterans or eligible persons when determined, after a hearing before the Central Office Education and Training Review Panel that such institution has willfully and knowingly charged or received from a veteran or an eligible person under Chapters 33 or 35, any amount in excess of the institution's established charges for tuition and fees.

This delegation of authority is identical to § 21.2067(d) of this chapter.

§ 2.59 Director, Vocational Rehabilitation and Education Service authorized to approve or disapprove, subject to the provisions of the law and Veterans Administration regulations, the applications for approval of courses of education or training which are submitted for approval by the Administrator under the provisions of § 21.2151(c) of this chapter.

This delegation of authority is identical to § 21.2151(d) of this chapter.

§ 2.60 Manager of regional office authorized to approve or disapprove, subject to review on appeal to the Director, Vocational Rehabilitation and Education Service, the applications for courses of education or training offered by institutions or establishments within the area of his jurisdiction which are sponsored by or under the control of a Federal agency in certain instances.

This delegation of authority is identical to § 21.2151(d) of this chapter.

§ 2.61 Director, Vocational Rehabilitation and Education Service authorized to grant waivers in the case of any employee who meets the criteria set forth in § 21.2302(g) of this chapter and to deny all requests for waivers which do not meet such criteria, except those requests which, in the opinion of the Director, Vocational Rehabilitation and Education Service, should be submitted to the Administrator for final decision.

This delegation of authority is identical to § 21.2302(h) of this chapter.

[SEAL] ROBERT J. LAMPHERE,
Associate Deputy Administrator.

[F.R. Doc. 60-3485; Filed, Apr. 18, 1960; 8:45 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart B—Education of Korean Conflict Veterans Under 38 U.S.C. Ch. 33

MISCELLANEOUS AMENDMENTS

1. Section 21.2000 is revised to read as follows:

§ 21.2000 Statement of policy.

The Congress of the United States has declared that the veterans' education and training program created by Title 38 U.S.C. Ch. 33 is for the purpose of providing vocational readjustment and

restoring lost educational opportunities to those service men and women whose educational or vocational ambitions have been interrupted or impeded by reason of active duty during Korean conflict and for the purpose of aiding such persons in attaining the educational and training status which they might normally have aspired to and obtained had they not served their country. (38 U.S.C. 1601(c).)

2. Immediately above § 21.2005 the center title "Educational and Vocational Assistance" is revoked and § 21.2005 is revised to read as follows:

§ 21.2005 Definitions; Title 38 U.S.C. Ch. 33.

(a) The term "basic service period" means the Korean conflict, except that with respect to persons on active duty on January 31, 1955, such term means the period beginning on June 27, 1950 and ending on the date of the person's first discharge or release from such active duty after January 31, 1955. (38 U.S.C. 1601(a)(1).)

(1) The term "Korean conflict" means the period beginning on June 27, 1950, and ending on January 31, 1955. (38 U.S.C. 101(9).)

(2) The term "discharge or release" includes retirement from the active military, Naval or Air Service. (38 U.S.C. 101(18).)

(3) The term "discharge or release" means an unconditional discharge or release from active duty.

(b) The term "eligible veteran" means any person who is not on active duty and who:

(1) Served on active duty (as defined in paragraph (c) of this section) at any time during the Korean conflict,

(2) Was discharged or released therefrom under conditions other than dishonorable, and

(3) Served on active duty for 90 days or more (exclusive of any period he was assigned by the Armed Forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians, or as a cadet or midshipman at one of the service academies), or was discharged or released from a period of active duty, any part of which occurred during the Korean conflict, for an actual service-connected disability as defined in 38 U.S.C. 101(16). (38 U.S.C. 1601(a)(2).)

(c) The term "active duty" means:

(1) Full-time duty in the Armed Forces, other than active duty for training;

(2) Full-time duty (other than for training purposes) as a commissioned officer of the regular or reserve corps of the Public Health Service or as a commissioned officer of the Coast and Geodetic Survey during the basic service period only while under detail or on transfer respectively by proper authority with the Army, the Navy, the Air Force, the Marine Corps, or the Coast Guard of the United States;

(3) Service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy;

(4) Authorized travel to or from such duty or service. (38 U.S.C. 101(21) as modified by 1601(b).)

NOTE: Although time spent as a cadet or midshipman is excluded in computing the 90 day active duty requirement contained in paragraph (b)(3) of this section and the extent of entitlement in § 21.2014, it is included for the purpose of establishing his deadline date for beginning a program of education or training.

(d) The term "Armed Forces" means the United States Army, Navy, Marine Corps, Air Force and Coast Guard, including the reserve components thereof. (38 U.S.C. 101(10).)

(1) The term "reserve component" means, with respect to the Armed Forces—

(i) The Army Reserve;

(ii) The Naval Reserve;

(iii) The Marine Corps Reserve;

(iv) The Air Force Reserve;

(v) The Coast Guard Reserve;

(vi) The National Guard of the United States; and

(vii) The Air National Guard of the United States.

(e) The term "program of education or training" means any single unit course or subject, any curriculum, or any combination of unit courses or subjects, which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. (38 U.S.C. 1601(a)(3).)

(f) The term "course" means an organized unit of subject matter in which instruction is offered within a given period of time or which covers a specific amount of related subject matter for which credit toward graduation or certification is usually given. (38 U.S.C. 1601(a)(4).)

(g) The term "dependent" means:

(1) A child (as defined in 38 U.S.C. 101(4)) of an eligible veteran,

(2) A parent (as defined in 38 U.S.C. 101(5)) of an eligible veteran, if the parent is in fact dependent upon the veteran; and

(3) The wife of an eligible veteran, or, in the case of an eligible veteran who is a woman, her husband, if he is in fact dependent upon the veteran. (38 U.S.C. 1601(a)(5).)

(h) The term "educational institution", "institution" or "school" means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers college, college, normal school, professional school, university, scientific or technical institution, or other institution furnishing education for adults. (38 U.S.C. 1601(a)(6).)

(i) The term "training establishment" or "establishment" means any business or other establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprentice committee, or the Bureau of Apprenticeship established in accordance with 29 U.S.C. ch. 4C, or any agency of the Federal Government au-

thorized to supervise such training. (38 U.S.C. 1601(a)(7).)

(j) The term "State" means each of the several States, Territories and possessions of the United States, District of Columbia, the Commonwealth of Puerto Rico, and the Canal Zone. (38 U.S.C. 101(20) and 1601(a)(8).)

(k) The term "Commissioner" means the United States Commissioner of Education. (38 U.S.C. 1601(a)(9).)

(l) The term "Administrator" means the Administrator of Veterans Affairs. (38 U.S.C. 101(1).)

(m) The term "law", wherever it appears in §§ 21.2000 to 21.2309, means chapter 33 of Title 38, United States Code, effective January 1, 1959, and the corresponding provisions of title II of the Veterans' Readjustment Assistance Act of 1952 (Pub. Law 550, 82d Cong., as amended).

(n) The term "deadline date" means the last date on which training may be actually commenced.

(1) If the deadline date for an individual veteran falls on a Saturday, Sunday, holiday, or other non-work day for the Veterans Administration, the next succeeding Veterans Administration workday will be the statutory deadline date for that veteran.

(o) The terms "enroll" and "reenroll" mean the actual commencement or re-commencement of and the active pursuit of the course or program under the law.

(p) The term "ordinary school year" means a period of two semesters or three quarters which is not less than 30 nor more than 38 weeks in total length.

(q) The term "nonveteran-student" means a person who is neither receiving educational or training benefits under chapter 31 or chapter 33 of Title 38, U.S.C., or the savings provisions of section 12(a) of Public Law 85-857, nor is having all or any part of his tuition, fees, or other charges paid to or for him by the educational institution.

3. Section 21.2010 is revoked.

§ 21.2010 Entitlement to education or training generally.

[Revoked]

4. Section 21.2011 is revised to read as follows:

§ 21.2011 Active duty and discharge information.

(a) *Evidence of active duty.* The length and character of active duty shall be determined on the basis of official evidence from the Service Department which may be:

(1) The original, an official carbon copy of the original, a certified copy, or a photostatic copy of DD Form 214—Armed Forces of the United States Report of Transfer or Discharge.

(2) An official report from the Service Department.

(3) A true, certified, or photostatic copy of discharge or release from active duty.

(b) *Discharges—(1) Unconditional.* A discharge or release will be considered unconditional if the person is eligible for complete separation from active duty on the date the discharge or release is issued.

(2) *Conditional.* A discharge or release will be considered conditional if the person is not eligible for complete separation from active duty on the date the discharge or release is issued.

(3) *Questionable discharges.* Where the character of a veteran's discharge is neither honorable nor dishonorable and it is not clear whether the circumstances under which he was discharged from active duty might bar eligibility to education or training, it will be the responsibility of the adjudication activity to determine whether he was discharged under other than dishonorable conditions.

(4) *Disability discharges.* When an application for education or training is received and the veteran had fewer than 90 days active duty as defined in § 21.2005(b)(3), it will be the responsibility of the adjudication activity to determine whether he was discharged because of a service-connected disability as defined in 38 U.S.C. 101(16).

(c) *90 days active duty requirement.* (1) All days of active duty, as defined in § 21.2005(c) will be counted. Active duty served under the conditions outlined in subparagraph (3) of this paragraph will be excluded in determining whether the applicant has the required 90 days.

(2) Any 90-day period of continuous active duty determined in accordance with subparagraph (1) of this paragraph, will satisfy the requirements, provided one or more of the days extends into or beyond the basic service period. The 90-day requirement will also be satisfied by two or more periods of active duty, wholly or partly within the basic service period, if all were terminated under conditions other than dishonorable.

(3) The following active duty days shall be excluded from the total:

(i) Any period during which he was assigned as a cadet or midshipman at one of the service academies (U.S. Military Academy, West Point, New York; U.S. Naval Academy, Annapolis, Maryland; U.S. Coast Guard Academy, New London, Connecticut, and U.S. Air Force Academy, Colorado Springs, Colorado), or

(ii) Any period during which the applicant was assigned by the Armed Forces to a civilian institution for a course of education or training which was substantially the same as established courses offered to civilians.

(a) A civilian institution shall mean any school, college or university, providing education for adults, except those organized and operated solely for Armed Forces personnel. Any course in such a civilian institution will meet the definition "substantially the same as established courses offered to civilians", if it is a course within the regular program or curriculum of the school; whether or not a regular academic degree or certificate was conferred; and notwithstanding the inclusion or exclusion of certain required or elected subjects or curricular changes or deviations incident to the military duties or assign-

ments of the service person assigned to the course by the Armed Forces.

(iii) All periods of agricultural, industrial, or indefinite furlough; time under arrest in the absence of acquittal; time for which the individual was determined to have forfeited pay by reason of absence without leave, and time spent in desertion or while undergoing sentence of court-martial. (Time lost through intemperate use of drugs or alcoholic liquor or through disease or injury the result of the person's own misconduct shall not be excluded.)

(d) *Training duty.* Active duty for training, regardless of the length of such duty, does not qualify a veteran for the educational benefits of chapter 33, Title 38 U.S.C.

5. In § 21.2012, the introductory portion of paragraph (b) is amended to read as follows:

§ 21.2012 Commencement; time limitations.

(b) *Continuous pursuit.* The requirements of continuous pursuit of a program of education or training does not apply to any period prior to the veteran's deadline date. However, on and after his deadline date a veteran must pursue his program continuously to completion, except that he may suspend the pursuit of his program for periods of not more than 12 consecutive months without limitation as to the number of such suspensions. If a veteran suspends the pursuit of his program for a period in excess of 12 consecutive months, he may resume training only upon a finding by the Veterans Administration that the suspension for the portion of such period in excess of 12 consecutive months was due to conditions beyond his control. The burden of proving that the suspension was due to conditions beyond his control shall be upon the veteran. (38 U.S.C. 1612(b).)

6. Sections 21.2014 and 21.2015 are revised to read as follows:

§ 21.2014 Duration of veteran's education and training.

(a) *Entitlement.* Each eligible veteran shall be entitled to education or training under Title 38 U.S.C. ch. 33 for a period equal to one and a half times the duration of his service on active duty during his basic service period, except for the deductions, limitations and extensions provided in this section. (38 U.S.C. 1611(a).)

(1) *Active duty to be deducted.* Before multiplying by one and one-half, all active duty days described in § 21.2011(c)(3) will be deducted from the veteran's basic service period.

(b) *Limitations on total entitlement.* (1) The period of time during which education and training may be pursued under this law shall not exceed 36 months, except where an extension of entitlement is proper under paragraph (c) of this section, in which case entitlement will terminate at the end of such extension.

(i) This 36-month period will be reduced by the full-time equivalent of any

period of educational assistance received by the veteran under chapter 35, and prior corresponding provisions of Public Law 634, 84th Congress. (38 U.S.C. 1611(a)(2).)

(2) A veteran, who served during World War II and the Korean conflict, may have earned entitlement to education or training under more than one law. However, his total training under this law, when added to education or training he has received under chapter 31 of Title 38, Part VIII of Veterans Regulation 1(a), and section 12(a) of Public Law 85-857, shall not exceed 48 months in the aggregate, except where an extension of entitlement is proper under paragraph (c) of this section, in which case his entitlement will terminate at the end of the extension. (38 U.S.C. 1611(a)(3).)

(i) Chapter 31 reenacts statutory benefits formerly contained in Part VII, Veterans Regulation 1(a), as amended, and Public Law 894, 81st Congress. Chapter 33 reenacts the benefits of Public Law 550, 82d Congress. Therefore, all periods of vocational rehabilitation and education and training afforded under the prior statutes shall be included in computing the limitations of this subparagraph. (Sec. 5(b), Pub. Law 85-857.)

(ii) In determining the maximum of 48 months of training, exclude the period for which a lump sum subsistence allowance is paid after determination of employability following vocational rehabilitation training.

(c) *Extensions of entitlement.* (1) When the period of entitlement of an eligible veteran who is enrolled in an educational institution regularly operated on the quarter or semester system ends after a major part of a quarter or semester has expired, his entitlement shall be extended to the end of the quarter or semester. When the period of entitlement ends after a major portion of any other school course is completed, except flight courses and correspondence courses, the veteran's entitlement may be extended to the end of the course or for 9 weeks, whichever occurs first. (38 U.S.C. 1611(b).)

(i) In a correspondence course, when the period of entitlement ends after a major portion of the course is completed, the veteran's entitlement will be extended to the end of the particular unit course in which he enrolled or for a period of 9 weeks, whichever occurs first.

(ii) In a flight training course, where the veteran's period of entitlement is exhausted after completion of a major portion of the course, his period of entitlement shall be extended to the end of the course or for the total additional amount of instruction that \$78.75 will provide, whichever is less.

(2) In apprentice or other training on the job, and institutional on-farm training courses, entitlement will not be extended under any circumstances.

(3) For the purposes of this paragraph, the following definitions will apply:

(i) "Quarter" means a division of the ordinary school year and is usually a period from 10 to 13 weeks long.

(ii) "Semester" means a division of the ordinary school year and is usually a period from 15 to 19 weeks long.

(iii) "Summer quarter" (term or session) means the whole of the summer period of instruction specified for the course in which the veteran is pursuing education or training, without regard to any divisions of such a period which may be made by the institution for administrative or other purposes.

(iv) "Major part of such quarter or semester" means more than one-half of such a period, in point of time. The measurement of the major part of a quarter or semester will be made on the basis of the beginning and ending dates of the quarter or semester as set forth in the literature of the institution for the particular course in which the veteran is enrolled.

(v) A "major portion" of a course offered by an educational institution not organized on a quarter or semester basis, excluding correspondence courses, means more than one-half of the certified length of the course, in months, weeks, clock hours or flight hours as applicable.

(vi) A "major portion" of a correspondence course will have been completed when more than one-half of the lessons comprising the course have been serviced by the institution.

(d) *Entitlement charges.* (1) *General.* Charges against a veteran's period of entitlement will be made in terms of months and days except where flight training is involved.

(i) Where a program of education or training is pursued on a full-time basis the total elapsed time will be charged against the veteran's entitlement.

(ii) Where a program of education or training is pursued on a three-fourths or one-half time basis a proportionate rate of the elapsed time will be charged against the veteran's entitlement.

(iii) Where a program of education or training is pursued on a less than half-time basis one-fourth of the elapsed time will be charged against the veteran's entitlement.

(2) *Flight training courses.* Flight training shall be charged against a veteran's entitlement on the basis of one day for each \$1.25 paid to him as an education and training allowance. This charge will be in addition to all other entitlement charges made for education or training other than flight training.

(3) *Correspondence courses.* A veteran's entitlement will be charged with one-fourth of the elapsed time during which correspondence study is pursued (38 U.S.C. 1611(c)). The elapsed time will commence on the date the first lesson of the veteran's course is sent to him by the school and will end as of the date the last lesson is serviced by the school or the date his training status is discontinued by the Veterans Administration.

(4) *Entitlement charges when education and training allowance is waived.* A veteran who elects to waive receipt of education and training allowance while enrolled under this law in order that he

may be paid a stipend from other Federally appropriated funds shall have his entitlement charged in accordance with the school's certification as to his semester hour load or training time.

§ 21.2015 Considerations respecting training under other laws administered by the Veterans Administration.

(a) *Training under chapter 33, Title 38, U.S.C., following training under chapter 31, Title 38, U.S.C. or section 12(a), Public Law 85-857.* A veteran's period of entitlement to education or training under chapter 33, following training under chapter 31, or section 12(a), shall be subject to the limitations and extensions of entitlement provided in § 21.2014 (b) and (c).

(1) A veteran with basic entitlement under both section 12(a), and chapter 33 may change from section 12(a), to chapter 33 only at the end of a period for which the Veterans Administration is obligated to pay established charges directly to the school under section 12(a).

(2) A veteran whose entitlement under section 12(a), expires prior to the mid-point of a quarter or semester, or 17-week segment of his course may enroll under chapter 33, prior to his deadline date, for the remainder of such quarter, semester or course if he is otherwise eligible.

(3) Where a veteran with remaining entitlement interrupts his course under section 12(a), for a valid reason and his chapter 33 deadline date occurs during such valid period of interruption, the veteran may, upon the termination of such period of interruption,

(i) Resume his course under section 12(a), or

(ii) Enroll under chapter 33 in the same course or in an approved program of education or training in normal progression provided the conditions of paragraph (b) of this section are satisfied.

(b) *Training under chapter 33, Title 38, U.S.C. where a veteran is in training under chapter 31, Title 38, U.S.C. or section 12(a) of Public Law 85-857 on his deadline date.* (1) A veteran who is in training under chapter 31, or section 12(a) of Public Law 85-857, or is in a valid interrupted status on his chapter 33 deadline date and who is subsequently rehabilitated, discontinued, or who interrupts training at a time when his conduct and progress are satisfactory, may be deemed to have met the requirements for initiation of a program under chapter 33. For the purpose of this paragraph a veteran will be considered in a valid interrupted status during any period of suspension that may be approved under § 21.2012(b).

(2) A veteran who so initiates a program of education or training will be subject to the same criteria as a veteran who is enrolled in and pursuing his original program of education or training under chapter 33 on his deadline date, or who is in a valid interrupted status on that date.

(i) The veteran may resume training in the same course if it meets all conditions for approval of a program under chapter 33, or

(ii) He may change to an approved program in normal progression from the one pursued under chapter 31, or section 12(a).

(iii) Training must be actively resumed within 12 months from the last date of training under chapter 31, or section 12(a), except that a longer suspension may be approved when due to conditions beyond the veteran's control as provided in § 21.2012(b).

(3) A veteran whose training under chapter 31, or section 12(a), was discontinued after his chapter 33 deadline date because of unsatisfactory progress may pursue training under this law only if,

(i) His unsatisfactory progress was not due to his own misconduct, neglect or lack of application;

(ii) The program to which he desires to change is found through counseling to be more in keeping with his aptitudes, abilities, and interests in accordance with § 21.2032(a) (1) (iii); and

(iii) A veteran whose training in a foreign country (other than the Republic of the Philippines) is discontinued because of unsatisfactory progress may not pursue further training in a foreign country inasmuch as the required counseling is not provided in foreign countries.

(4) When, after his deadline date, the veteran's training under chapter 31, or section 12(a), is discontinued because of unsatisfactory conduct he may pursue no training under this law unless the school in which he was enrolled certifies that it is willing to readmit him. If the school so certifies, he may pursue training subject to the provisions of subparagraphs (2) (i), (ii) and (iii) of this paragraph.

(c) *Veteran in training or in interrupted status under chapter 31, Title 38, U.S.C.* Training under chapter 33, may be approved for a veteran only if the veteran's training under chapter 31 is discontinued.

(d) *Conduct and progress under other educational programs administered by the Veterans Administration.* A veteran's right to a program of education under chapter 33, Title 38, U.S.C. prior to his deadline date shall not be affected by unsatisfactory conduct or progress while in training under chapter 31, Title 38, U.S.C. or section 12(a) of Public Law 85-857. After a veteran's deadline date the limitations specified in paragraph (b) of this section will govern.

7. Sections 21.2030, 21.2031 and 21.2032 are revised to read as follows:

§ 21.2030 Selection of program.

(a) *Selecting the program.* Subject to the provisions of chapter 33, Title 38, United States Code and such limitations as are established by Veterans Administration Regulations, each eligible veteran may select a program of education or training to assist him in attaining an educational, professional, or vocational objective at any educational institution or training establishment selected by him, whether or not located in the State in which he resides, which will accept and retain him as a student or trainee in any field or branch of knowledge

certify that the farm and training program will occupy his full time. No action will be taken to approve an application for a program of institutional on-farm training unless and until all of these provisions have been satisfied.

(3) *Combination of institutional and apprenticeship or other on-the-job training.* A program consisting of a combination of institutional and apprenticeship or other on-the-job training, as distinguished from cooperative courses, may be considered generally accepted as necessary to attain a vocational objective only:

(i) If the combination of institutional and apprenticeship or other on-the-job training is required by the laws of the State for the attainment of a particular vocational objective, such as, for example, "mortician", or

(ii) Where a combination is pursued under the following conditions:

(a) The school course is a preapprenticeship course of limited length.

(b) It is customary in the community for the objective to be reached through the pursuit of a school course preceding apprenticeship or other on-the-job training with the latter training shortened appropriately, and

(c) The school course is not approved or utilized as a program leading directly to employment situations. Where it has been demonstrated that the completion of a preapprentice or preparatory vocational school course is a prerequisite for acceptance at the beginning level of an apprenticeship, a veteran may show the institutional preapprentice course and the full apprenticeship course as an overall program for his designated vocational objective, or

(iii) Since elementary and secondary school courses are generally accepted as necessary for the attainment of a recognized vocational objective they may be included in a program for such objective if they have not been already satisfactorily completed.

(4) *Change of institution or training establishment.* Chapter 33 imposes no restrictions upon a change of institution or establishment for pursuit of the same course or program. However, where subsequent parts or courses or curricula of the approved program are to be pursued in an institution other than the one providing the first part or course or curriculum of his program, the veteran must apply to the Veterans Administration for approval of a change of institution. If otherwise in order, a supplemental certificate will be issued to the veteran authorizing him to continue the pursuit of his approved program in the second institution.

(5) *Graduate study in other than degree granting institutions.* A veteran who desires to pursue a program of graduate training under this law leading to a graduate degree objective will be expected to pursue all work required for the completion of his approved program in an educational institution which offers the full degree program and which upon the successful completion thereof, confers the graduate degree sought. However, under the following conditions an eligible veteran may pursue training

in a second institution which does not confer the graduate degree sought in partial fulfillment of his graduate degree requirements:

(i) The degree granting institution shall certify to the Veterans Administration that the veteran has been accepted as a student for the pursuit of a graduate course and identify the degree objective for which he has made application, and

(ii) The degree granting institution shall specifically designate the subjects which may be pursued at the second institution. These subjects must be a part of the graduate program and may include:

(a) Required graduate subjects;

(b) Undergraduate subjects which are prerequisites for required graduate subjects; and

(c) Language courses which may be taken in an approved institution for the express purpose of satisfying the graduate degree language requirement.

(iii) In addition, the degree granting institution shall certify that, upon the successful completion of the designated subjects, it will accept the credit established in the second educational institution at full value in partial fulfillment of the veteran's elected degree program.

(b) *Approval of application and issuance of certificate for education and training—(1) General.* If a veteran is found eligible under chapter 33, and Veterans Administration regulations for the program of education or training applied for, he will be issued a certificate for education and training, VA Form 22-1993. Each certificate shall show:

(i) The veteran's educational, professional, or vocational objective;

(ii) The program approved to attain the stated objective;

(iii) The name and address of the school or establishment in which the program is to be commenced;

(iv) The extent of the veteran's entitlement in months and days; and

(v) The deadline date for commencing the program.

(2) *Caution to veterans, educational institutions, and establishments.* Veterans, educational institutions, and training establishments are cautioned that a valid certificate for education and training is the only authentic evidence of a veteran's eligibility for and extent of entitlement to education or training under this law. Accordingly, a veteran who enrolls in an institution or training establishment without a valid certificate in his possession will do so at his own risk subject to possible determination that the Veterans Administration may not authorize any payments to him. Payment to an institution or establishment for enrollment and periodic certifications also will be subject to the determination of a veteran's eligibility.

(3) *Conditions under which veteran considered already qualified.* No application shall be approved and no certificate for education or training shall be issued if it is found by the Veterans Administration that the veteran is not eligible for or entitled to the education or training applied for, or that his program of education or training fails to meet

any of the requirements of this law, or that he is already qualified by reason of previous education or training for the educational, professional, or vocational objective for which the courses of the program of education or training are offered. (38 U.S.C. 1621.) The veteran will be considered already qualified for the objective when:

(i) The veteran applying for institutional, trade, or technical course offered on a clock-hour basis below college level involving shop practice as an integral part thereof (all objectives in this category being vocational):

(a) Has previously completed a course in such a school for the same occupation as that for which he now requests training;

(b) At any time in the past has been employed as a qualified workman in the trade for which he requests training at a level equal to or above that to which the requested course will train him;

(c) Has completed an apprenticeship or a course of other training on the job which is regarded as qualifying him for the desired objective at either the locality where he completed the training or where he desires to pursue training.

(ii) The veteran applying for an institutional course offered on a clock-hour basis below collegiate level in which theoretical or classroom instruction predominates:

(a) Has previously completed a high school or a preparatory school course for which a diploma or certificate was awarded and now applies for training for an educational objective below collegiate level. However, completion of such a course will not preclude approval of an application for a course below collegiate level leading to a vocational objective for which the veteran is not already qualified; nor will it preclude the pursuit of additional high school subjects necessary to enable the veteran to enroll in and pursue a collegiate course;

(b) Has previously completed a course for a vocational objective and now requests approval of a course for the same objective, or for a different objective for which the course completed clearly qualifies him. For example, the veteran completed a course in a business school for objective, bookkeeper, or the objective, accountant, and now requests approval for an institutional course in bookkeeping. However, such veteran will not be denied an advanced course in such a school. For example, the veteran who has completed a course in bookkeeping will not be denied a course leading to the objective, accountant, in such a school.

(c) In the past was employed as a qualified workman in a job for which the school course he requests is designed to qualify the individual who completes it;

(d) Has completed an apprenticeship or a course of other training on the job which is customarily accepted as qualifying for the objective for which he now requests training.

(iii) The veteran applying for an accredited institutional course:

(a) Has previously completed a bachelor's degree course and now applies for an undergraduate collegiate course for

an educational objective. However, this will not preclude his pursuit of an undergraduate course for a vocational or professional objective. For example, a veteran who has previously completed a bachelor of arts degree course may pursue a program consisting of an undergraduate engineering curriculum for the objective engineer, provided full credit is given for applicable previous training. Also, a veteran who has completed a bachelor's degree course, may include in his program leading to an educational objective on the graduate level such undergraduate subjects as are prescribed by the graduate degree granting institution.

(iv) The veteran applying for an apprenticeship course or a course of other training on the job is already qualified under the standards specified in § 21.2201(b) (10) (i).

(v) The veteran applying for an institutional on-farm course;

(a) Is now successfully operating or, in the reasonable past, has conducted a successful farm operation similar in character to that for which the institutional on-farm course is designed to qualify him;

(b) Has attended a school which provided him instruction in practical agriculture to an extent substantially equal to the instruction that is known to be available in the proposed institutional on-farm course at the particular school or under the particular instructor;

(c) Has been employed as a teacher of similar subject matter.

(4) *Certificate withheld for further investigation.* Where the veteran is found eligible, but the issuance of a certificate is withheld for further investigation or development, the veteran will be fully informed of the reasons for such action and of the matters essential to the clearance of his case.

(c) *Disapproval of application.* (1) A veteran's application for a program of education or training under chapter 33, shall be denied if it is found that,

(i) He does not meet the basic active service requirements for general eligibility under this law,

(ii) He is on active duty with the Armed Forces,

(iii) The program of education or training for which he has applied may not be approved, or

(iv) The educational institution or training establishment offering the course applied for is in violation of any provision of the law or fails to meet any of its requirements.

(2) When a veteran's application for a program of education or training under this law is denied he will be informed of the denial, the reasons therefor, and of his right of appeal.

§ 21.2032 Change of program.

(a) *General.* Each eligible veteran whose program has not been interrupted or discontinued because of his own misconduct, his own neglect, or his own lack of application, may make not more than one change of program under chapter 33, Title 38, United States Code.

(1) *Change of program on or before the veteran's deadline date.* An eligible

veteran may make a change of program of education or training on or before his deadline date under the following conditions:

(i) He has not had a change of program under the law,

(ii) The program to which he wishes to change is approved, and

(iii) His original program was not interrupted or discontinued due to his own misconduct, neglect, or lack of application.

(a) *Misconduct.* If among the reasons given for interruption or discontinuance was misconduct of such nature that the institution or establishment refuses to readmit the veteran, his conduct will be considered unsatisfactory. Additional education or training under the law will be denied, unless it is found through further development that the certification of the school or establishment was of a retaliatory nature.

(b) *Neglect.* An unsatisfactory attendance record will be considered to constitute neglect on the part of the veteran and he will be denied further education or training unless he can establish that his unsatisfactory attendance record was due to conditions beyond his control.

(c) *Lack of application.* If a veteran's program is interrupted or discontinued because of unsatisfactory progress which was due to neither misconduct nor neglect, it will be determined through counseling whether the unsatisfactory progress was due to his own lack of application (except when he resides in a foreign country other than the Republic of the Philippines). If it is found through counseling that the veteran's aptitudes and abilities are such that successful pursuit of his program might reasonably have been expected, his failure to make satisfactory progress will constitute evidence of lack of application, and he will be denied further education or training under the law unless he presents other satisfactory evidence to explain such failure. On the other hand, if it is found through counseling that the veteran's unsatisfactory progress was not due to his own lack of application, a change to a program which is more in keeping with his aptitude or previous education and training may be approved.

(d) *Veteran residing in a foreign country.* If the veteran is residing in a foreign country other than the Republic of the Philippines, the appropriate veterans affairs officer or the educational benefits representative in the Veterans Benefits Office shall determine whether the discontinuance was due to the veteran's misconduct, neglect or lack of application, and whether a change of program may be approved.

(iv) A veteran who requests a change of program prior to his deadline date will be regarded as having accomplished his one permissible change when he has resumed training in the new program on or before his deadline date or, when all of the following conditions are met:

(a) The veteran prior to his deadline date has suspended pursuit of the program from which he desires to change; and

(b) It is shown that the institution or establishment designated on the veteran's request for a change of program had accepted the veteran as a student or trainee prior to his deadline date; and

(c) The veteran does not suspend his training for a period in excess of that permitted under § 21.2012(b). Accordingly, the conditions governing a change of program after the deadline date will not be for application where a change of program is made under this subparagraph.

(2) *Change of program after the veteran's deadline date.* A veteran who has not made a change of program of education or training may make a change of program after his deadline date only when one of the following conditions exists:

(i) The program to which the veteran desires to change, while not a part of the program pursued by him, is in normal progression from such program as defined in paragraph (c) of this section.

(ii) The veteran is not making satisfactory progress in the program previously initiated and failure is not due to his own misconduct, neglect, or lack of application as explained in paragraph (a) (1) (iii) of this section and it is determined through counseling that a program to which he desires to change is more in keeping with his aptitudes or previous education and training than his current program. If the veteran is residing in a foreign country other than the Republic of the Philippines, the veteran may not pursue further training under this law so long as he remains in a foreign country.

(b) *What constitutes a change of program.* (1) A change of program is considered to consist of a change in the predetermined and identified educational, professional, or vocational objective for which the veteran entered education or training and the corresponding changes in the type of training and courses or curriculum which may be required to attain the new objective, except that (i) A change of program will not be considered to exist when, in the area where the training is pursued, the pursuit of the veteran's first program is a prerequisite to or is generally required for entrance into and successful pursuit of the second program. For example a change from a program consisting of a bachelor of arts degree course to a program consisting of a master's degree course will not be considered a change of program. Also, a change from a program consisting of an A.B. degree course and a master's degree course leading to the objective master's degree, to a program consisting of an A.B. degree course and an L.L.B. degree course for the final objective bachelor of laws degree, will not be considered a change of program if the change is made at any point before commencement of the master's degree phase of the first program. The credits earned toward the A.B. degree are considered to be prerequisite for entrance into the second program at the level at which the change is made.

(2) Where a veteran has made a change of program under this law, a

which such institution or establishment finds him qualified to undertake or pursue. (38 U.S.C. 1620.)

(b) *Steps in the selection of program.* The selection of a program of education or training by an eligible veteran will consist of:

(1) Designation of a predetermined and identified educational, professional, or vocational objective.

(2) The choice of a type of training and approved course or courses, or curriculum or curricula, generally considered necessary for attainment of the objective.

(3) The choice of an approved educational institution or training establishment which can provide the veteran the program of education or training required for the attainment of the objective.

(c) *Counseling assistance.* Each veteran who requests assistance in choosing an objective and selecting a program of education or training, will be provided counseling if he resides in a State or in the Republic of the Philippines.

(d) *Selection of an objective.*—(1) *Educational objectives.* An educational objective is one which ordinarily is attained upon the completion of a program consisting of any single unit course or subject, any curriculum, or any combination of unit courses or subjects offered by an educational institution which leads to a standard degree or diploma or to a certificate which indicates educational attainment as distinguished from certificates or licenses to practice a trade or profession. (Where the primary purpose of a course is to prepare a person for employment in a recognized vocational occupation, the course will be held to lead to a vocational objective even though a degree, diploma or certificate of completion may be awarded upon completion of the course.)

(a) Where a single unit course or subject is taken as a program the objective shall be the name of the unit course or subject.

(ii) Where a veteran's program consists of an established curriculum or combination of curricula or courses, which leads to a degree, a diploma or to a certificate as defined in subparagraph (1) of this paragraph, the objective shall be the name of the degree, diploma or certificate to which the program leads; such as, bachelor's degree, master's degree, Ph. D. degree, etc.

(iii) Where more than one degree course is included in a veteran's program, the objective shall be the name of the highest degree.

(iv) An educational objective may be designated without specific indication of its relationship to a professional or vocational goal or objective.

(2) *Professional objectives.* A professional objective is one which ordinarily is attained upon completion of a program of study which is generally accepted as necessary to satisfy the educational requirements for licensure to practice the identified profession. Typical examples of a professional objective are lawyer, physician (M.D.), engineer, etc. A program leading to a professional objective may include curricula or com-

binations of courses which also lead to an educational objective. Where this is so the veteran shall have the option of designating either the educational objective or the professional objective.

(i) *Internships.*—(a) *Medical.* The professional objective of a veteran who is to pursue a medical internship will be physician (M.D.), except for the veteran who at the time of enrolling in an internship specifies that his total course is for a named specialty: For example, pediatrician, surgeon, specialist in preventative medicine, etc.

(b) *Osteopathy.* The professional objective of a veteran who is to pursue an internship in osteopathy will be physician (D.O.), except for the veteran who at the time of enrolling in an internship specifies that his total course is for a named specialty: For example, pathologist, surgeon, obstetrician, etc.

(c) *Dental.* The professional objective of a veteran who is to pursue an internship in dentistry in partial fulfillment of the requirements of a Dental Specialty Board will be that named dental specialty for which the internship is required. A dental internship may not exceed 1 year and may be recognized only when it is an integral part of an approved course, the completion of which will satisfy the educational requirements for certification by a Dental Specialty Board.

(ii) *Medical residencies.*—(a) Where the residency course leads to certification by a specialty board, the professional objective will be that named specialty for which the board has established standards: For example, orthopedic surgeon, pathologist, specialist in physical medicine and rehabilitation, etc.

(1) Since specialty boards for the specialties of ophthalmology and thoracic surgery have not established and published in their requirements for certification the required length of residencies in those specialties, benefits will not be authorized to a veteran enrolled in such residency courses until there has been received a written statement from the Council on Medical Education and Hospitals of the American Medical Association certifying the length of the residency approved by such council for the particular hospital at which the veteran will pursue his course.

(b) Where the residency course leads to certification by a hospital approved by the Council on Medical Education and Hospitals of the American Medical Association (a certificate issued upon completion) in the specialty of contagious diseases, malignant diseases, and occupational medicine, the professional objective will be that named specialty for which the veteran is enrolled and for which the hospital has been approved by the council.

(1) Since there are no specialty boards to establish and publish requirements for certification including the required length of the residency, benefits will not be authorized to a veteran enrolled in such residency courses until there has been received a written statement from the Council on Medical Education and Hospitals of the American Medical Association certifying (i) as to the length of the approved residency at the par-

ticular hospital in which the veteran will enroll and (ii) that the hospital does issue a certification of completion.

(c) Where the residency course leads to certification by a hospital approved by the Council on Medical Education and Hospitals of the American Medical Association (a certificate issued upon completion) in general practice, the objective will be "certified general practitioner."

(1) Since there is no specialty board to establish and publish requirements for certification including the required length of the residency, benefits will not be authorized to a veteran enrolled in such residency course until there has been received a written statement from the Council on Medical Education and Hospitals of the American Medical Association certifying (i) as to the length of the approved residency at the particular hospital in which the veteran will enroll and (ii) that the hospital does issue a certification of completion.

(iii) *Osteopathy residencies.* (a) The professional objective of a veteran who is to pursue a residency course in osteopathy will be that named specialty for which certification is given by the appropriate American Osteopathic Specialty Board.

(iv) *Dental residencies.* (a) The professional objective of a veteran who is to pursue a residency course in a dental specialty which leads to and is acceptable for certification by a specialty board recognized by the Council on Dental Education of the American Dental Association will be that named specialty for which the board has established definite standards.

(3) *Vocational objectives.* A vocational objective is one which is ordinarily attained upon completion of a business, technical, trade or other vocational school course, an apprenticeship course, or other on-the-job training course which qualifies the veteran for employment in a recognized occupation. The objective must be a recognized employment objective which is:

(i) Listed in the Dictionary of Occupational Titles, or

(ii) If not listed, an occupation which is eligible for listing in the Dictionary of Occupational Titles as determined by the Bureau of Employment Security of the U.S. Department of Labor, or

(iii) An occupation which is recognized as an apprenticeable trade by the State apprenticeship agency or the Federal Committee on Apprenticeship. Typical examples of a vocational objective are stenographer, machinist, electronic technician, radio and TV serviceman, etc. A veteran shall specify a recognized employment objective when he applies for a program in a school leading to a vocational objective.

(4) *Refresher training courses.* Since the law provides that a veteran may not be afforded a program of education or training leading to an objective for which he is already qualified, repetition of courses previously pursued or refresher training will not be approved. Any program or course in the vocational or professional field for which the veteran is already qualified will be considered a repetition of the course previously pur-

sued or as refresher training, neither of which may be approved, unless such program or course is necessary for attainment of:

(i) An educational objective consisting of the completion of a single-unit course or subject which the veteran has not already completed, as set forth in subparagraph (1) of this paragraph; or

(ii) An educational objective consisting of the completion of an approved curriculum or curricula leading to the award of a diploma, degree, or certificate beyond that which the veteran has already attained, as set forth in subparagraph (1) of this paragraph; or

(iii) A vocational or professional objective consisting of the completion of an approved course, courses, or curriculum leading to, or for which credit is awarded toward, a specific field of specialization or an advanced license, certificate, or diploma within the vocational or professional field for which the veteran is already qualified, as set forth in subparagraphs (2) and (3) of this paragraph.

(e) *Combination correspondence; residence program.* A program of education may be pursued partly in residence and partly by correspondence for the attainment of a predetermined and identified objective under the following conditions:

(1) The correspondence and residence portions are pursued sequentially; that is, not concurrently.

(2) It is the practice of the institution to permit a student to pursue a part of his course by correspondence in partial fulfillment of the requirements for the attainment of the specified objective.

(3) The total credit established by correspondence does not exceed the maximum for which the institution will grant credit toward the specified objective.

(f) *Study in a foreign country.* Education may be pursued under chapter 33, Title 38, United States Code, outside of a State as defined in § 21.2005(j), only in institutions of higher learning which are approved by the Administrator of Veterans Affairs. (38 U.S.C. 1620.) Only institutions of collegiate or university rank giving educational courses leading to recognized degrees, licentiate, or the equivalent will be approved as institutions of higher learning.

(1) Education may be pursued in an institution located in a foreign country under three different arrangements or plans:

(i) The veteran may enroll directly in an approved course in an institution of higher learning to obtain a degree, licentiate or the equivalent to be conferred by the foreign institution. When so enrolled the veteran's training will be under the jurisdiction of the Veterans Benefits Office, Washington 25, D.C., the Office of Veterans Affairs Attaché, American Embassy, Paris, France, or the Office of Veterans Affairs Attaché, American Embassy, Mexico City, District Federal, depending upon the foreign country in which the institution is located.

(ii) The veteran may enroll in a foreign institution to complete a part of

a degree course offered by a college or university located in the United States. Under this plan the veteran must enroll in a course which has been approved by the Administrator of Veterans Affairs and the college or university must certify that full credit will be granted in partial fulfillment of the veteran's degree course requirements. His training will be under the jurisdiction of the Veterans Benefits Office or the appropriate Veterans Affairs Attaché's Office, depending on the location of the institution in which the veteran is enrolled.

(iii) The veteran may pursue education in a foreign country while he is enrolled in a college or university located in the United States under the following conditions:

(a) The college or university located in the United States shall be considered his principal institution and his enrollment shall be under the jurisdiction of the Veterans Administration regional office serving the State or area where that institution is located. It will be the responsibility of the principal institution to submit enrollment certifications and the required monthly certifications as to attendance, conduct and progress.

(b) The study pursued in the foreign country shall be a part of his course as approved by the State approving agency.

(c) Full credit shall be given for the study so pursued in partial fulfillment of his degree objective as prescribed by the principal institution.

(d) For graduate research study the veteran also shall be enrolled in or under the immediate supervision of an institution of higher learning in the foreign country with which the principal institution has an agreement as to the use of its research facilities and upon which it may rely for information on the veteran's attendance, conduct and progress.

(2) Where the Veterans Administration finds that a veteran's enrollment in a program in a foreign institution would be against his best interests or the best interests of the Government of the United States, his application for the program will be denied or if he has commenced the program under the law his training in the foreign institution will be discontinued. (38 U.S.C. 1620.)

§ 21.2031 Applications; approval.

(a) *Application.* Any eligible veteran who desires to initiate a program of education or training under this law shall submit an application to the Veterans Administration which shall be in such form, and contain such information, as the Veterans Administration shall prescribe. (38 U.S.C. 1621.)

(1) *Submission of application—(i) Formal application.* A formal application for a program of education or training under chapter 33, shall be filed with the Veterans Administration on VA Form 22-1990. No certificate for education or training shall be issued prior to receipt of a fully completed formal application.

(ii) *Informal application.* Any communication from, or action by, a veteran or his duly authorized representative, which clearly indicates an intent to apply for benefits under the law, may

be considered an informal application if followed within a reasonable period of time by a fully completed formal application. The act of a veteran in enrolling in an institution does not, in itself, constitute an informal application.

(iii) *Incomplete application.* If a formal application is not complete at the time of the original submission, the veteran will be notified of the information needed to complete the application.

(iv) *Name of educational institution or training establishment.* The veteran shall specify in his application the name and address of the educational institution or training establishment in which he expects to commence his program.

(v) *Official evidence of active duty.* Each application shall be supported by official evidence of active duty as specified in § 21.2011(a).

(vi) *Flight training; medical certificate.* An application for entrance or reentrance into a flight training program must be accompanied by a copy of a second-class medical certificate issued by a medical examiner approved by the Federal Aviation Agency.

(2) *Description of program.* The veteran shall describe in his application the program of education or training he intends to pursue to attain his designated objective. (See § 21.2030(d).)

(i) *College or university.* If a veteran applies for a program of education in a college or university he shall state the course or courses, curriculum or curricula he intends to pursue to reach his objective, such as, associate of arts degree, bachelor of arts degree, master of arts degree, etc. If he does not intend to pursue a program consisting of a degree, diploma, or certificate course, he shall state the specific subject or subjects constituting his program.

(ii) *High school, business school, vocational or trade school.* If a veteran intends to pursue his program in an institution other than a college or university, such as a high school, business school, or a vocational or trade school, he shall list in terms used by the school the course or courses which he intends to pursue in order to reach his objective.

(iii) *Apprenticeship or other on the job.* A veteran who applies for a program consisting of an apprenticeship or other on-the-job training course, shall describe his course in terms of his employment objective and show the name of the training establishment where he will pursue the course.

(iv) *Institutional on farm.* An application for a program of institutional on-farm training must be accompanied with a detailed outline of the veteran's individual program as planned by the school and approved specifically for him by the State approving agency. The individual program shall include the name of the objective and length of the program, together with a certification by a responsible official of the school which is to offer such program that the program as planned satisfies all the requirements of § 21.2202. In addition, the veteran must submit to the Veterans Administration acceptable evidence to establish that he is assured control of the farm or other agricultural establishment until the completion of his program and must

change from his second program back to his original program shall be considered a second change of program which may not be approved.

(3) A transfer from one institution or establishment to another will be considered only a change of institution and not a change of program when all of the following conditions are met:

(i) The courses comprising each program, while not necessarily of the same length, are of a length or lengths which are customary in the area where offered for the attainment of the predetermined and identified objective and are approved by the State approving agency for the established customary length.

(ii) The two programs lead to the same predetermined and identified objective, and

(iii) Full credit in point of time is given by the second institution for work completed in the first institution.

(4) The application of a veteran who interrupts the on-the-job phase of his apprenticeship program for a change of program to pursue all or an incomplete portion of the related phase of his program as a program within itself, may be approved only under the following conditions:

(i) The requested program of education will in itself lead to a predetermined and identified objective as defined in § 21.2030(d).

(ii) The veteran has not already utilized the one change of program permitted under the law, and

(iii) He commences the program of education on or before his deadline date, since the related phase of such a program may not be considered to be in normal progression from the whole program.

(c) *Normal progression.* For the purpose of this law a change of program will be considered in normal progression where a majority of credit earned in the first course or program is accepted towards completion of the second and the second course or program is shortened accordingly.

(d) *Adjustments not considered a change of program.* A revision which involves neither a change of objective, a material loss of credit nor an extension of the time originally planned for completion of a veteran's program will be considered an adjustment and not a change of program. For example, when a veteran enrolls for a program leading to the degree bachelor of science in agriculture, bachelor of science in business administration, etc., or for a 4-year undergraduate curriculum for which he has shown a professional objective, such as "agronomist," "chemist," "teacher," or "engineer," his objective for the purpose of this paragraph shall be considered to be "bachelor's degree"—meaning a standard 4-year undergraduate degree—and so long as the subjects which he pursues lead to that objective and there is no extension of time in the attainment of that objective, no change of program is involved.

(1) When an adjustment in program is made the institution shall notify the Veterans Administration on the monthly certification of training form:

(i) That the revision does not involve an extension in point of time, and

(ii) Identify by name the degree course to which the veteran has transferred.

(2) The adjustment principle is applicable only to programs of comparable length and of the same educational level.

(i) When a veteran designates his final objective as master of arts degree, master of science degree in engineering, etc., his objective shall be considered as master's degree. Therefore, a change from one field of concentration to another on the master's degree level may be considered as an adjustment if all of the conditions of this paragraph are met.

(e) *Requests for change of program—*

(1) *Formal request.* A request for a change of program of education or training under chapter 33, Title 38 shall be submitted on VA Form 22-1995 to the Veterans Administration regional office having possession of the veteran's records.

(2) *Informal request.* Any communication from, or action by, a veteran or his duly authorized representative, which clearly indicates an intent to request a change of program may be considered an informal request if followed within a reasonable period of time by a completed VA Form 22-1995.

(3) *Incomplete request.* If a request for a change of program is not complete at the time of its original submission, the veteran will be informed of the information needed to complete it. Should the additional information submitted by the veteran fail to clearly show a recognized educational, professional, or vocational objective or to give an adequate description of the program, the request will not be disapproved at that time. The veteran will be informed of the availability of counseling to assist him in the development of his educational or occupational plans.

(4) *Counseling requested.* When the veteran requests educational or vocational guidance a supplemental certificate for education and training shall not be issued until counseling has been completed, or his request has been withdrawn.

(5) *Report of conduct and progress.* Where there is evidence of record that the institution or training establishment has reported a veteran's conduct or progress as unsatisfactory a certificate for a change of program may be issued only if additional training may be authorized under the conditions contained in paragraph (a) (1) (iii) of this section.

(6) *Approval of request for a change of program.* When the requested change of program is approved, a certificate for education and training will be issued in accordance with § 21.2031(b).

(7) *Denial of request for a change of program.* When a veteran's request for a change of program is denied, he will be informed of the denial, the reasons therefor, and of his right of appeal.

8. In § 21.2033, the headnote and that portion of paragraph (a) preceding subparagraph (1) are amended to read as follows:

§ 21.2033 Disapproval of enrollment in certain courses.

(a) The Veterans Administration shall not approve the enrollment of any eligible veteran in any bartending course, dancing course, or personality development course. (38 U.S.C. 1623(a).)

9. Section 21.2034 is revised to read as follows:

§ 21.2034 Discontinuance for unsatisfactory conduct or progress.

(a) The Veterans Administration shall discontinue the education and training allowance of an eligible veteran if, at any time, it is found that, according to the regularly prescribed standards and practices of the educational institution or training establishment, the conduct or progress of such veteran is unsatisfactory. (38 U.S.C. 1624.)

(1) *Unsatisfactory conduct.* A veteran whose conduct is unsatisfactory shall be entitled to no further education or training under chapter 33. The veteran's conduct will be considered unsatisfactory when the educational institution or training establishment will no longer retain him as a student, or will not readmit him or certify that he would be readmitted upon application, unless it is found through further development that the action of the school or establishment is of a retaliatory nature.

(2) *Unsatisfactory progress.* Where a veteran's training is interrupted or discontinued because of unsatisfactory progress, further training under this law may be approved only if:

(a) A change of program is authorized under the provisions of § 21.2032(a), or

(b) It is determined through counseling that the cause of unsatisfactory progress has been removed to such extent that there is reasonable expectation of success in the program previously commenced.

(ii) A veteran will be considered in an unsatisfactory progress status during any period of interruption due to a suspension because of scholastic deficiencies. However, if the institution readmits him or certifies that it would readmit him upon application, his progress shall be considered to be satisfactory in accordance with the regularly prescribed standards and practices of the institution and counseling will not be required.

10. In § 21.2035, that portion of paragraph (a) preceding subparagraph (1) and paragraph (a) (4) are amended to read as follows:

§ 21.2035 Minimum number of non-veteran students required.

(a) The Administrator shall not approve the enrollment or reenrollment (except where training is resumed after an interruption during a period when no instruction was given by the institution) of any eligible veteran in any nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution, for any period during which the Administrator finds that more than 85 percent of the students enrolled in the course are hav-

ing all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans Administration under chapters 31 and 33, Title 38, United States Code or section 12(a) of Public Law 85-857. (38 U.S.C. 1623(c).)

(4) At the time an eligible veteran is enrolled in an approved nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution, an authorized employee or official of the institution furnishing such course shall certify to the Veterans Administration on VA Form 22-1999 that, at the time of the enrollment of the individual veteran for which the certification is made, not more than 85 percent of the students then enrolled in the course including this veteran are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans Administration under chapter 31, chapter 33, or section 12(a). (See § 21.2050.) The determination as to the percentage ratio shall be made pursuant to the provisions of this section. In any case where it appears that the certification by an authorized employee or official of an institution has been made improperly, the provisions of § 21.2208(d) shall be applied. If it is determined by the Committee on Educational Allowances that the false report was not the result of a knowing and willful act of the institution, payments to veterans already enrolled therein will not be discontinued. However, if it is determined that the false report was the result of a knowing and willful act of the institution, payments to all veterans enrolled in the institution under the law will be discontinued pursuant to the provisions of § 21.2208(d) and the matter will be further processed pursuant to the provisions of § 21.2307.

11. In § 21.2036, paragraphs (a)(5), (c) and (d) are amended to read as follows:

§ 21.2036 Period of operation for approval of enrollment.

(a) General.

(5) To any course which is offered by a nonprofit educational institution of college level and which is recognized for credit toward a standard college degree. (38 U.S.C. 1625)

(c) *Course similar in character.* A course will be considered similar in character if the course provides training in the same general occupational or educational objective, and involves the same or related instructional processes, tools, and materials as courses previously furnished by the institution which has been in operation for a period of more than 2 years. In each case of an approval by the State approving agency of a new course which has not been in operation for a period of more than 2 years, but which is thought by the State to be similar in character to a course which has been in operation for more than 2 years, the State will furnish the regional office with a copy of the approval and the basis

for its view as to the similarity in character to the course being offered by the institution. (For correspondence courses, the State will furnish the basis for its determination to the Director, Vocational Rehabilitation and Education Service, Veterans Administration, Washington 25, D.C.)

(d) *Move to new location.* An institution will be considered to have moved to another location in the same general locality when the new location is within normal commuting distance of the original location. Such an institution will not be subject to the 2-year limitation provided it remains essentially the same as to faculty and student body and offers the same courses.

12. Sections 21.2037 and 21.2050 are revised to read as follows:

§ 21.2037 Institutions listed by Attorney General.

(a) The Administrator shall not approve the enrollment of, nor payment of an education or training allowance to, any eligible veteran in any course in an educational institution or training establishment while it is listed by the Attorney General under section 3, Part III, of Executive Order No. 9835, as amended. (38 U.S.C. 1626.)

(b) The Director, Vocational Rehabilitation and Education Service, will furnish each regional office and each State approving agency with current information on the schools and establishments listed by the Attorney General under section 3, Part III, of Executive Order No. 9835, as amended.

§ 21.2050 Special certification required for nonaccredited courses.

The enrollment or reenrollment of a veteran in a nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution may not be approved unless such institution certifies on VA Form 22-1999 that, at the time of the veteran's enrollment or reenrollment, not more than 85 percent of the students enrolled in the course including this veteran are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution, or by the Veterans Administration under chapter 31 or chapter 33, Title 38, United States Code, or section 12(a) of Public Law 85-857. (See also § 21.2035.) The institution shall also certify that the enrollment or reenrollment of the veteran will be within the limitations established by the State approving agency. (38 U.S.C. 1654(c)(11).) Notwithstanding the certification of the institution as prescribed in this section, the enrollment or reenrollment of a veteran in such course will be denied if the Veterans Administration has knowledge that the limitations prescribed in this section are not being complied with.

13. In § 21.2051, paragraph (a)(2)(i) is amended to read as follows:

§ 21.2051 Conditions governing payment of education and training allowance.

- (a) *General.* * * *
(2) * * *

(i) To any veteran enrolled in an institutional course which leads to a standard college degree or a course of institutional on-farm training for any period when the veteran is not pursuing his course in accordance with the regularly established policies and regulations of the institution and the requirements of chapter 33. (38 U.S.C. 1631(b)(1).)

14. Sections 21.2052, 21.2053, and 21.2054 are revised to read as follows:

§ 21.2052 Rates of education and training allowances.

(a) *Institutional training; full- and part-time rates.* (1) The rate of education and training allowance payable to an eligible veteran who is pursuing a program of education or training in an educational institution shall be computed as follows:

(i) If such program is pursued on a full-time basis, such allowance shall be computed at the rate of \$110 per month, if the veteran has no dependent, or at the rate of \$135 per month, if he has one dependent, or at the rate of \$160 per month, if he has more than one dependent.

(ii) If such program is pursued on a three-quarter-time basis, such allowance shall be computed at the rate of \$80 per month, if the veteran has no dependent, or at the rate of \$100 per month, if he has one dependent, or at the rate of \$120 per month, if he has more than one dependent.

(iii) If such program is pursued on a half-time basis, such allowance shall be computed at the rate of \$50 per month, if the veteran has no dependent, or at the rate of \$60 per month, if he has one dependent, or at the rate of \$80 per month, if he has more than one dependent. (38 U.S.C. 1632(a).)

(iv) If such program is pursued on a less than half-time basis, such allowance will be computed at the rate of (a) the established charges for tuition and fees, for the certified period of enrollment, which the institution requires similarly circumstanced nonveterans enrolled in the same course to pay, or (b) \$110 per month for a full-time course, whichever is the lesser. (38 U.S.C. 1632(f).)

Example. A veteran is enrolled for a five semester hour course which begins on September 1, 1957, and ends February 1, 1958. Charges for tuition and fees for the period of certified enrollment are \$90. The veteran's period of enrollment is certified to extend from October 1, 1957, to February 1, 1958. The monthly rate of educational allowances is computed as follows:

$$\begin{aligned} \$90 \div 4 \text{ mos. (period of enrollment)} &= \$22.50 \\ \$110 \times \frac{1}{4} &= \$27.50 \end{aligned}$$

The monthly rate payable is the lesser of the two, i.e., \$22.50.

(b) *Cooperative course.* (1) The education and training allowance of an eligible veteran who is pursuing a full-time program of education and training in a cooperative course shall be computed at the rate of \$90 per month, if he has no dependent, or \$110 per month, if he has one dependent, or \$130 per month, if he has more than one dependent. (38 U.S.C. 1632(b).) (See also § 21.2066(h)(4).)

(2) No allowance will be authorized for a cooperative course of less than full time.

(c) *On-the-job training.* (1) The education and training allowance for an eligible veteran pursuing apprentice or other training on the job shall be computed at the rate of \$70 per month, if he has no dependent, or \$85 per month, if he has one dependent, or \$105 per month, if he has more than one dependent, subject to the exceptions listed in this subparagraph.

(i) As the veteran's program progresses, his education and training allowance shall be reduced at the end of each 4-month period, by an amount which bears the same ratio to the basic education and training allowance as 4 months bears to the total duration of his apprentice or other training on the job. (38 U.S.C. 1632(c).)

(a) The 4-month periods shall be measured from the date of the veteran's enrollment under this law.

(b) If the total duration of his approved program is not a multiple of four, the number of months will be increased to such multiple. Example: The approved enrollment is 18 months. Two months will be added to make the total a multiple of four. The 4-month reduction figure will be one-fifth of the basic education and training allowance.

(c) "Total duration" means the period of training specified in the training agreement, the period of enrollment reported by the establishment, or the extent of the veteran's entitlement, whichever is the lesser.

(d) If there is a change in the veteran's dependency status after the commencement of his program, the rate to be paid from the proper effective date of the change in payment will be based on the adjusted amount which would have been appropriate if the status had existed from the beginning of the program.

(ii) The rate of compensation paid to the veteran in accordance with his approved training program for productive labor performed as a part of his course, shall be considered. Education and training allowances plus such compensation shall not exceed the rate of \$310 a month. (38 U.S.C. 1632(c).)

(iii) If a veteran terminates his program of apprentice or other on-the-job training and is approved for a change to a different program of apprentice or other on-the-job training, he shall receive the basic rate of education and training allowance, and the 4-month periodic reduction shall commence at the end of the first 4-month period of the new program, and for each 4-month period thereafter.

(iv) Payment of the beginning trained worker wage prior to the completion of the approved training program or prior to the end of the approved period of enrollment will not require discontinuance of education and training allowance where it is established that the veteran continues as a trainee in all respects and has not, in fact, achieved trained worker status.

(v) When the education and training allowance payable to the veteran is reduced to a rate of less than \$1 per month, the veteran's training status and education and training allowance will be

discontinued. The training status of the veteran may be resumed upon his request.

(2) If in any case the State approving agency extends the length of the period required to complete the approved program of the veteran, no education and training allowance for such extended period will be authorized.

(3) No allowance will be authorized for a course of on-the-job training pursued on a less than full-time basis.

(d) *Institutional on-farm training.*

(1) The education and training allowance of an eligible veteran pursuing institutional on-farm training shall be computed at the rate of \$95 per month, if he has no dependent, or \$110 per month, if he has one dependent, or \$130 per month, if he has more than one dependent, except that:

(i) As the veteran's program progresses, his education and training allowance shall be reduced at the end of the first year and at each 4-month interval thereafter by an amount which bears the same ratio to \$65 per month, if the veteran has no dependent, or \$80 per month, if he has one dependent, or \$100 per month, if he has more than one dependent, as 4 months bears to the total duration of the training program reduced by 8 months. (38 U.S.C. 1632(d).) (Prior to October 1, 1955, the same rates were payable but the reduction intervals started at the end of the first 4-month period and were measured against the total duration of the training program.)

(a) The reduction intervals shall be measured from the effective date of the veteran's enrollment under this law.

(b) If the total duration of the training program is not a multiple of four, the number of months will be increased to such multiple. For example, a veteran with no dependents is enrolled in an approved course of 21 months' duration. Three months will be added to make a pro forma total 24 months (a multiple of 4) from which total 8 months will be subtracted as a result of 16. The reduction factor is one-fourth, and \$65 is the fixed statutory rate for reduction in the case. Therefore, the veteran's allowance will be reduced \$16.25 at the end of the first year.

(c) "Total duration" means the period of enrollment certified by the school or the extent of the veteran's entitlement, whichever is the lesser.

(d) If there is a change in the veteran's dependency status after the commencement of his program, the rate to be paid from the proper effective date of the change in payment will be based on the adjusted amount which would have been appropriate if the status had existed from the beginning of the program.

(e) Where it becomes necessary to extend the actual termination date of the course because of authorized periods of interruption within the course, and there has been no extension in the total number of months of training to be provided, the dates on which the periodic reductions become effective will be adjusted to accord with the months of authorized training status.

(ii) If in any case the State approving agency or the school extends the length

of the period required to complete the approved program of the veteran, no education and training allowance for such extended period will be authorized.

(e) *Correspondence course.* The education and training allowance of an eligible veteran pursuing a program of education or training exclusively by correspondence shall be computed on the basis of the established charge which the institution requires nonveterans to pay for the same course or courses. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran and service by the institution, as certified by the veteran and the institution. (38 U.S.C. 1632(e).)

(1) No education and training allowance will be paid for a correspondence course when it is taken concurrently with institutional on-farm training, on-the-job training or institutional training in residence. When a program consists of correspondence study in sequence with residence study as prescribed in § 21.2030 (e), the amounts appropriate for each type of study will be authorized. For example, during the correspondence portion, the veteran will receive a quarterly allowance computed under this paragraph. During the residence portion, he will receive a monthly allowance computed under paragraph (a) of this section.

(2) The established charge for a correspondence course shall not be considered to be more than the lowest charge which is customarily paid by a nonveteran-student under any payment plan exclusive of a cash discount arrangement for advance payments.

(3) A training institution offering approved correspondence courses will send to the Director, Vocational Rehabilitation and Education Service, Veterans Administration, Washington 25, D.C., a list of all approved courses, and any additions or changes made subsequently thereto, and a certified statement of the established charges to nonveterans for each course. Optional fees and other charges will not be included in the calculation of the payment unless they apply to all students. In addition, the school will list consecutively the lessons in each course, the books, supplies, tools, and equipment to be supplied, the cost of each individual item and a shipment schedule identifying by lesson number the time at which such books, supplies, tools and equipment will be sent to the veteran. This listing will also show other pertinent charges, the established practices in detail of servicing a lesson or lessons, and the standards for determining completed lessons, including a statement of the grading policy and methods of determining progress.

(4) Only such established charges for books, supplies, tools, and equipment in the same quantity and quality as are necessary and are required to be purchased by nonveterans may be charged to veterans. Only those items furnished directly by the institution to enrollees as a part of the course may be included as a part of the charges for the course. Where items of equipment are furnished on a rental basis to nonveterans, only the rental charge shall be considered in reporting the charges for the course.

Where books, supplies, tools, and equipment are furnished at the end of the course or after completion of regular lessons and such were not needed for the successful completion of the course of education and training, the charges therefor will not be included in computing the established charges for the course.

(5) In the event an institution desires to change its charges for courses after submittal of a statement of charges and services as set forth in this paragraph, such proposed charges will be promptly reported to the Director, Vocational Rehabilitation and Education Service, Veterans Administration, Washington 25, D.C., together with the effective date applicable to nonveteran-students. Where the Director, Vocational Rehabilitation and Education Service, determines on the basis of the information submitted that it is necessary to revise the education and training allowance for veterans enrolling after the effective date of such changes, the institution and the regional offices will be notified of the change in courses and charges which will affect the computation of the education and training allowance and the effective date thereof. The education and training allowance of an eligible veteran who is already enrolled in such course will continue to be based on established charges and services in effect on the date of his enrollment despite any changes made subsequent thereto.

(6) For the purpose of payment of an education and training allowance, a lesson will be considered as completed by the veteran and serviced by the institution when:

(i) The lesson assignment has been completed by the veteran in accordance with the criteria of the institution and has been submitted to the institution for review, and

(ii) The institution has reviewed and graded the lesson and provided the veteran in writing with its evaluation and comments in accordance with its standards and has recorded the results of such servicing.

(a) Only one servicing of a lesson may be charged to the veterans.

(iii) The books, supplies, tools, and equipment, including complete kits of such items, prescribed throughout the sequence of lessons, and approved as necessary and required for the successful pursuit of the lessons completed and serviced, have been furnished by the school and received by the veteran in the order and manner established by the course as approved.

(f) *Flight courses.* Each eligible veteran who is pursuing an approved course of flight training shall be paid an education and training allowance to be computed at the rate of 75 per centum of the established charge which similarly circumstanced nonveterans enrolled in the same flight course are required to pay for tuition for the course. If his program of education or training consists of flight training and other education or training, the allowance payable under this paragraph shall be in addition to any education and training allowance payable to him under one of the preceding paragraphs of this section.

Such allowance shall be paid monthly upon receipt of certification from the eligible veteran and the institution as to the actual hours of instruction of flight training received by the veteran and the established cost thereof. (38 U.S.C. 1632(g).)

Example. The veteran is enrolled in a flight course where the established cost for dual instruction is \$11.50 per hour, and for ground instruction, \$0.70 per hour. Within a particular month, the veteran received 8 hours of dual instruction and 4 hours of ground instruction. The total established charges for this instruction is \$94.80. Therefore, the veteran's education and training allowance for this month will be \$71.10 (75 percent of \$94.80).

§ 21.2053 Education and training allowance for veteran in receipt of disability compensation at the rate of 50 percent or more.

(a) The additional disability compensation for a dependent or dependents shall not be payable to any veteran during any period he is in receipt of an increased rate of education and training allowance for the same dependent or dependents. The veteran may elect to receive whichever is the greater. (38 U.S.C. 315(b).) In each case, the Vocational Rehabilitation and Education activity will determine which of the following is the greater:

(1) The basic disability compensation payable to a person without dependents plus the increased education and training allowance payable under § 21.2052 because of dependency, or

(2) The increased disability compensation payable because of dependents plus the basic education and training allowance payable to a person without dependents.

(b) The Adjudication activity authorizes increased disability compensation for the number of dependents. Therefore, education and training allowance will be authorized at the basic rate due a person without dependents or for whatever larger sum is necessary to bring the total of allowances and disability compensation to the greater amount as determined under paragraph (a) of this section.

§ 21.2054 Effective beginning dates of entrance or reentrance into training and for payment of education and training allowance.

(a) *Effective beginning date of entrance or reentrance into training.* The effective beginning date for the authorization of entrance or reentrance into training shall be the date certified by the school or establishment in accordance with paragraph (b) of this section, or the date of approval of the course, whichever is the later, provided the veteran's original application or request for a change of program or place of training is received by the Veterans Administration not later than 15 days after the date of entrance or reentrance, and the State approving agency's notice of approval is received by the Veterans Administration not later than 60 days after the date of approval.

(1) If these time limits are not met, the effective beginning date shall be the date the Veterans Administration re-

ceives the application or request, or the date 60 days prior to the date of receipt of the notice of approval. These time limits may be waived in accordance with paragraph (c) of this section.

(b) *Date of commencement or recommencement of a course—*(1) *Courses leading to a standard college degree.* The date of commencement or recommencement of a course leading to a standard college degree shall be the date that the school, under its customary practice, considers the veteran to be an enrolled student. This date may not be earlier than the actual date of registration at the beginning of the enrollment period except where students are required by the published standards of the school to report in advance of registration, nor later than the date the veteran first reports for classes.

(2) *Courses which do not lead to a standard college degree.* The date of commencement or recommencement in a course which does not lead to a standard college degree shall be the first date of class attendance.

(3) *On-the-job training courses.* The date of commencement or recommencement of an on-the-job or apprentice training course shall be the first date that the trainee reports for work.

(4) *Institutional on-farm courses.* The date of commencement or recommencement of an institutional on-farm course shall be the date of commencement as certified by the official of the institution responsible for the veteran's program.

(5) *Correspondence course.* The date of commencement or recommencement of a correspondence course shall be the date the school mails the first correspondence lesson to the veteran.

(6) *Flight course.* The date of commencement or recommencement of a flight course shall be the first date instruction is furnished by the school.

(c) *Waiver of time limits.* Under the conditions stated in this paragraph, the Manager may personally waive the time limits of paragraph (a) of this section. These time limits may also be waived by appellate decision.

(1) *Receipt of application or request for change of program or place of training.* This time limit may be waived if the facts, the equities and demonstrated good faith on the part of the veteran justify such action.

(2) *Receipt of a notice of approval from the State approving agency.* This time limit may be waived if the facts, equities and demonstrated good faith on the part of the veteran and the State approving agency justify such action, provided:

(i) Approval action was not denied or withheld for cause during the retroactive period, and

(ii) Credit is granted toward completion of the course from the specified date of approval.

(d) *Effective beginning date for payment of education and training allowance.* All actions entering a veteran into training will also authorize education and training allowance from the effective date of entrance or reentrance into training, unless there is evidence

in the file that the veteran does not desire an allowance.

(e) *Rates for dependents.* (1) Upon initial entrance into training, increased rates for dependents will be authorized only when satisfactory evidence of relationship or dependency is in the veteran's record or is received with the enrollment documents.

(2) If the veteran states that he has a dependent or dependents, but does not submit complete and satisfactory evidence of the relationship or dependency by the time entrance into training is authorized, he shall receive the rate payable for a person with no dependents.

(i) A letter will be written to the veteran requesting satisfactory evidence. If such evidence is received within 1 year of the date of the request, increased benefits will be authorized as of the effective date of the original entrance into training. If the evidence is received after the 1-year time limit has expired, increased benefits will be authorized as of the date the Veterans Administration receives the evidence. (Different time limits are applicable when dependents are acquired or claimed after original entrance into training or during a period of interruption—see § 21.2056(a)(4).)

15. In § 21.2055, subparagraphs (a)(1) and (d) are amended to read as follows:

§ 21.2055 Effective closing dates of an authorization of education or training allowance.

(a) *Schools, colleges, and universities.* * * *

(1) Where the course is pursued by correspondence, the effective closing date shall be the ending date of the period of enrollment in the event such date is specified by the school (subject to any necessary subsequent adjustment under the conditions of § 21.2014(d)(3)), or the date of expiration of the veteran's entitlement, whichever is earlier.

(d) *Final date for payments.* No education and training allowance shall be authorized to any veteran beyond January 31, 1965, or the termination date established by his date of discharge set forth in § 21.2013, whichever is earlier.

16. Sections 21.2056, 21.2057, 21.2058, 21.2059, and 21.2060 are revised to read as follows:

§ 21.2056 Effective date of change or discontinuance of education or training allowance.

(a) The effective date of a change in the authorization of education or training allowance shall be:

(1) Death of dependent—date following date of death.

(2) Divorce—date of divorce.

(3) Child—the date of the 18th anniversary of date of birth, or if attending school after age 18, the date following cessation of school attendance, or the date of the 21st anniversary of the date of birth, whichever is the earlier; or the date of marriage; or in the case of cessation of incapacity to support self by reason of mental or physical defect, the last day of the month in which reduction is approved.

(4) Additional dependents—date additional dependent is acquired, or date of reentrance into training, whichever is later, provided the veteran's application for increase because of dependents is received in the Veterans Administration within 60 days of either of the above dates and satisfactory evidence is received within one year of the date of Veterans Administration's request therefor. If the veteran's application for the increase is received after this 60-day limitation, the increase will be authorized from the date of receipt of the application, provided satisfactory evidence is received within 1 year of the date of the Veterans Administration's request therefor.

(5) Change in rate of training—the date the change occurred, e.g., change from full-time to part-time training.

(6) Change in scheduled trainee wage rate—date change is scheduled to occur. Exception: A retroactive wage increase reached by agreement through bona fide collective bargaining between employer and employees and approved by the State approving agency—date on which the agreement was reached.

(b) The effective date of discontinuance of education and training allowance shall be:

(1) Death of veteran—date of death.

(2) Reentrance on active duty in the Armed Forces—date prior to date of reentrance on active duty in the Armed Forces. If the veteran terminated his training before that date, the dates in subparagraph (9) of this paragraph will be applied. (Brief periods of active duty for training performed by members of the Reserve components of the Armed Forces need not interrupt the payment of education and training allowance, provided the institution or establishment permits such absence without interruption of the training status, and the provisions of § 21.2051(d)(2) are applied.)

(3) Conduct and progress unsatisfactory—date veteran is dropped by the school or establishment, or the date of such determination by the Administrator, whichever is earlier.

(4) School or establishment listed by the Attorney General (see § 21.2037)—date preceding the date of such listing.

(5) When periodic certifications of training not received:

(i) School, flight, or on-the-job training enrollments reported to Veterans Administration, but no certifications of training received for the first 2 months—end of the first month.

(ii) Correspondence course enrollment reported to Veterans Administration but no quarterly certifications of training received for first 2 reporting periods—end of the first reporting period.

(iii) Certifications of training not received for 2 consecutive reporting periods after payments had been made for some periods of training—end of the month for which the last proper payment was made.

(6) Disapproval of course by the State approving agency—date of receipt in Veterans Administration of notice of disapproval or the date of disapproval, whichever is the later.

(7) Disapproval of course by Administrator—date of disapproval.

(8) Discontinuance of allowances because of decision made under § 21.2208 (d)(2)—the date specified in § 21.2208 (d).

(9) Training interrupted or discontinued prior to completion of course or certified period of enrollment—last date of attendance, except as otherwise provided in this subparagraph:

(i) Training certified for the ordinary school year, and veteran completes one or more terms, quarters or semesters within the school year but does not return for the next succeeding term, quarter or semester—as of the end of the term, quarter or semester completed.

(ii) Correspondence training interrupted—date last lesson was serviced for which payment was made by the Veterans Administration.

(iii) Flight training interrupted—date last instruction was received.

(10) Institutional on-farm training.

(i) Veteran fails to receive minimum requirement of 8 hours per month organized group instruction or two farm visits per month for individual instruction—last day of the month in which these minima were met.

(a) Training status will also be interrupted for these periods. Reentrance will be permitted as of the first of the month following the month in which the minima were not met if the school regards the veteran's conduct and progress as satisfactory and the program continues to meet the requirements of the law. In such case, the termination date of the resumed course may be extended, at the discretion of the school, for a period of time equivalent to the period of discontinuance.

(ii) Veteran engages in full-time remunerative employment off the farm—date such employment commenced.

(iii) Remunerative employment does not exceed the rate of 180 hours in any 12-month period, but the school finds that the employment interferes with or impedes the pursuit of his farm-training program—the date reported by the school for discontinuance.

(11) Forfeiture of all rights, claims and benefits of a veteran—day preceding the date of forfeiture as established by the decision of the Board on Waivers and Forfeitures.

§ 21.2057 Duplication of benefits.

(a) No veteran shall be paid an education and training allowance under chapter 33, Title 38, United States Code for any period during which he is enrolled in and pursuing a course of education or training paid for by the United States under any provision of law, other than this law, where the payment of such allowance would constitute a duplication of benefits paid to the veteran from the Federal Treasury. (38 U.S.C. 1632(h)(1).)

(1) A veteran may not be paid an education and training allowance concurrently with receipt of a stipend paid under a grant or fellowship or while receiving payment as a trainee or student under any program administered by another Federal agency if the stipend

or payment is to provide an allowance for living expenses and/or tuition, and is derived from funds appropriated from the Federal Treasury. Thus a veteran may not receive an education or training allowance under this law concurrently with receipt of a stipend under fellowships or programs such as the following:

- (i) An Atomic Energy Commission fellowship,
- (ii) A U.S. Public Health Service fellowship,
- (iii) A National Science Foundation fellowship,
- (iv) The U.S. Maritime Commission training program,
- (v) The regular NROTC program of the Navy, commonly known as the Holway Plan (60 Stat. 1057),
- (vi) The program provided under the Universal Military Training and Service Act, Public Law 51, 82d Congress (65 Stat. 75), or
- (vii) The Veterans Administration Career Resident program as a full-time physician of the Veterans Administration Department of Medicine and Surgery.

(2) This section does not bar payment of an education and training allowance under this law to a veteran who is:

- (i) Enrolled in a land-grant college which is receiving Morrill-Nelson and Bankhead-Jones funds,
- (ii) Enrolled in a vocational training course conducted under Act of February 23, 1917, as amended (39 Stat. 929) or the Vocational Education Act of 1946 (Pub. Law 586, 79th Cong.),
- (iii) Enrolled in an educational institution and participating in the ROTC programs of the Army and the Air Force or the contract NROTC program of the Navy,
- (iv) Participating in an on-the-job training program in a Government establishment, such as a Navy yard,
- (v) Receiving benefits under Public Law 584, 79th Congress (Fulbright Act), or
- (vi) Participating in the residency and internship program operated by the Veterans Administration Department of Medicine and Surgery under the provisions of 38 U.S.C. 4114(b).

§ 21.2058 Jurisdiction over domestic relations determinations.

(a) Domestic relations questions, other than those indicated in § 13.402 of this chapter will be determined by the educational benefits representative. Where the domestic relations question is one of doubtful legality and cannot be related to a precedent formal opinion of the General Counsel, a request for an opinion will be submitted to the Chief Attorney in regional office cases.

(1) In cases falling within the jurisdiction of the Veterans Benefits Office, D.C., requests for an opinion will be submitted to the Chief Attorney or General Counsel. Requests for a legal opinion involving vocational rehabilitation and education matters originating in Central Office will be submitted to the General Counsel over the signature of the Director, Vocational Rehabilitation and Education Service.

(2) Requests for opinions will be made by memorandum setting forth the question upon which an opinion is desired, together with a complete and accurate statement of the facts involved.

(b) The legality of adoptions will also be determined by the educational benefits representative, except where the letters of adoption are not regular on their face, or circumstances surrounding the adoption suggest that the procedure was not accomplished in conformity with the law of the State involved.

(c) Relationship, dependency and domestic relations determinations made in accordance with current instructions by the Vocational Rehabilitation and Education activity or by the Adjudication activity, will be binding one upon the other in the absence of clear and unmistakable error.

§ 21.2059 Definitions and proof of relationship and dependency.

Dependency status must be established by the veteran. The following classes of dependents may be recognized for the payment of the increased rates provided in § 21.2052: child, parent, wife, husband.

§ 21.2060 Dependency of husband of female veteran.

The husband of a female veteran-trainee may be considered to be her dependent, for the purpose of additional education and training allowance, if he is in fact dependent upon her. The husband will be determined to be in fact dependent upon her only where it is established that his dependency results from physical or mental incapacity, his monthly income is not sufficient to provide him with reasonable maintenance, and he is not being otherwise maintained at the expense of the Federal Government.

17. Immediately following cross references, §§ 21.2062 and 21.2063 are revised to read as follows:

§ 21.2062 Dependency of child of female veteran.

A minor child of a female veteran may be considered to be her dependent for the purpose of education and training allowance. The child may be a dependent of the female veteran even though the husband is also a veteran in training under chapter 33 of Title 38, United States Code and is in receipt of an increased education and training allowance based on the wife and the same child.

§ 21.2063 Apportionment of education or training allowances.

There is no authority under chapter 33, of Title 38, United States Code, for the authorization of apportioned shares of the education or training allowance to dependents of the veteran-trainee.

18. In § 21.2066, paragraphs (a) through (e), (g) through (j), (m) and (n) are amended to read as follows:

§ 21.2066 Measurement of full- or part-time courses.

(a) *Institutional trade or technical courses.* (1) Institutional trade or technical courses, which include shop practice as an integral part of the course,

are measured on a clock-hour basis. This applies to trade or technical courses given by schools below the college level and to such courses under the supervision of a college or university where credit is not given towards a standard college degree. These courses shall be measured as follows:

(i) Full time: A minimum of 30 hours per week of attendance is required with not more than 2½ hours of rest periods per week allowed and required attendance for not fewer than 5 days per week. (38 U.S.C. 1633(a) (1).)

(ii) Three-fourths time:

(a) Thirty hours per week of required attendance with not more than 2½ hours of rest periods per week and required attendance of fewer than 5 days per week; or

(b) Less than 30 hours but not less than 22 hours per week of attendance required with not more than 2 hours of rest periods per week.

(iii) One-half time: Less than 22 but not less than 15 hours per week of attendance required with not more than 1¼ hours of rest periods per week.

(iv) Less than one-half time: Less than 15 hours per week of required attendance.

(2) In a school that grants rest periods in part-time courses, the aggregate time per day devoted to such rest periods shall not exceed the rate of 5 minutes per hour of attendance, and the payment of training allowance will be consistent with the basic requirements for full-time training.

(3) A "trade or technical course offered on a clock-hour basis below the college level, involving shop practice as an integral part thereof," shall be considered to include only courses of training for occupations which are customarily learned through apprenticeships or other training on the job, i.e., the skilled, semiskilled, and unskilled occupations as listed under first digits 4 through 9, inclusive, and the personal service occupations listed under digits 2-26 through 2-32, inclusive, in the second edition of the Dictionary of Occupational Titles, dated March 1949.

(b) *Institutional course in which theoretical or classroom instruction predominates.* An institutional course below the college level, in which theoretical or classroom instruction constitutes more than 50 percent of the required hours per week, is measured on a clock-hour basis. This applies to courses given by schools below the college level and also to those courses given by a college or university for which credit is not granted towards a standard college degree. The courses shall be measured as follows:

(1) Full time: A minimum of 25 hours per week net of instruction is required. (38 U.S.C. 1633(a) (2).) The net time shall exclude shop-practice periods and rest periods, but shall not exclude regularly scheduled laboratory periods, required supervised study periods, or customary 5- or 10-minute intervals between classes for the purpose of changing student or teacher stations. Attendance must be required for not fewer than 5 days per week.

(2) Three-fourths time:

(i) Twenty-five hours per week net of instruction, exclusive of shop-practice periods and rest periods, but not excluding regularly scheduled laboratory periods or supervised study periods or customary 5- or 10-minute intervals between classes for the purpose of changing student or teacher stations as required by the school, and attendance required for fewer than 5 days per week, or

(ii) Less than 25 hours but not less than 18 hours per week net of required instruction.

(3) One-half time: Less than 18 hours but not less than 12 hours per week of required instruction.

(4) Less than one-half time: Less than 12 hours per week net of required instruction.

(c) *Nonaccredited institutional course.* A nonaccredited institutional course approved under 38 U.S.C. 1654, in which theoretical or classroom instruction predominates (i.e., more than 50 percent of the required hours per week) offered by a school which requires high school graduation or the equivalent as a prerequisite to entering the course, shall be measured on a clock-hour basis as in paragraph (b) of this section, unless the course is measured on a credit-hour basis under paragraph (d) of this section.

(d) *Institutional undergraduate course recognized for credit toward a standard college degree—credit-hour basis.* (1) An undergraduate course in a collegiate institution shall be measured on a credit-hour basis provided all the conditions under any of the following subdivisions, (i), (ii), or (iii), are met:

(i) The course is offered by a college or university which is a member of a nationally recognized accrediting association, and

(a) The course is offered on a semester- or quarter-hour basis, and

(b) The course leads to an associate, baccalaureate, or higher degree, and

(c) The college or university which offers the course grants such a degree.

(ii) The course is offered by a college or university which is not a member of a nationally recognized accrediting association, and

(a) The course is offered on a semester- or quarter-hour basis, and

(b) The course leads to an associate, baccalaureate, or higher degree, and

(c) The college or university which offers the course grants such a degree, and

(d) (1) The college or university furnishes letters from at least three institutions which are members of a nationally recognized accrediting association certifying: (i) That credits are received on transfer at full value, i.e., credit hour for credit hour, and (ii) that at least 40 percent of the subjects within each curriculum, desired to be measured on a credit-hour basis, are acceptable in partial fulfillment of the requirements for a baccalaureate or higher degree, or,

(2) The president of the college or university will certify: (i) That the three institutions identified by him as members of a nationally recognized accrediting association will recognize credit received on transfer at full value, i.e., credit

hour for credit hour, (ii) that at least 40 percent of the subjects within each curriculum, desired to be measured on a credit-hour basis, are acceptable in partial fulfillment of the requirements for a baccalaureate or higher degree.

(iii) The course is offered by either a member or nonmember of a nationally recognized accrediting association, and

(a) The course is offered on a semester- or quarter-hour basis, and

(b) The course does not lead to a degree, and

(c) The course requires not less than high school graduation or equivalent for admission, and

(d) A minimum of two full-time academic years is required for completion of the course, and

(e) If the institution, which offers the course, is a member of a nationally recognized accrediting association and certifies that:

(1) Credit for at least 40 percent of the subjects within the curriculum, desired to be measured on a credit-hour basis, is granted upon transfer to the element of the institution which offers a baccalaureate or higher degree, and

(2) Credit is awarded at full value, i.e., credit hour for credit hour toward partial fulfillment of the requirements for a baccalaureate or higher degree.

(f) If the institution offering the course is not a member of a nationally recognized accrediting association but it furnishes a proper certification(s) as provided in subdivisions (ii) (d) (1) or (2) of this subparagraph.

(2) Course referred to in subparagraph (1) of this paragraph when of regular semester, term, or quarter duration will be measured as follows:

(i) Full time: A minimum of 15 semester hours or the equivalent. (38 U.S.C. 1633(a) (3).)

(ii) Three-fourths time: Less than 14 semester hours or the equivalent, but not less than 10 semester hours or the equivalent.

(iii) One-half time: Less than 10 semester hours or the equivalent, but not less than 7 semester hours or the equivalent.

(iv) Less than one-half time: Less than 7 semester hours or the equivalent.

(3) Where the course described in subparagraph (1) of this paragraph is of less than a regular semester, term, or quarter duration, the course will be measured as full-, three-fourths-, one-half-, or less than half-time training according to the certification of the institution. In making such certification, the institution shall state the number of credit hours for which the veteran is registered including, as provided in subparagraph (5) of this paragraph, the credit hour equivalent of noncredit courses, if any, required by the institution and will be required to observe the following criteria:

(i) Full time: The number of credit-hours for which the veteran must be registered in order to be considered pursuing full-time training is that number which requires at least 14 standard class sessions of attendance per week or the equivalent in laboratory or fieldwork, research, or other types of prescribed ac-

tivity. For example, a veteran pursuing a short, summer session requiring attendance at 14 standard class sessions per week will be considered to be in full-time training, although because of the very short duration of the course he may be registered for only 3 credit-hours.

(ii) Three-fourths time: Less than 14 class sessions of attendance per week or equivalent but not less than 10.

(iii) One-half time: Less than 10 class sessions of attendance per week or equivalent but not less than 7.

(iv) Less than one-half time: Less than 7 class session of attendance per week or the equivalent.

(4) Where the course described in subparagraphs (1) and (2) of this paragraph is acceptable for credit but credit may not be awarded to the veteran-student because he has not met college entrance requirements or for some other valid reason, the course will be measured the same as if it were pursued for credit provided the veteran performs all of the work prescribed for other students who are enrolled for credit.

(5) Where the institution requires the veteran to pursue noncredit deficiency courses in order to meet certain scholastic or entrance requirements, the institution will certify the credit-hour equivalent of such noncredit deficiency courses in addition to the credit hours for which the veteran is enrolled. The measurement criteria of subparagraphs (2) and (3) of this paragraph will be applied, with the following modifications:

(i) Full time: Twelve hours credit plus the noncredit deficiency courses.

(ii) Three-fourths time: Less than 12 hours credit but not less than 9 hours credit, plus the noncredit deficiency courses.

(iii) One-half time: Less than 9 hours credit but not less than 6 hours credit in addition to the noncredit deficiency courses.

(e) *Accredited graduate or advanced professional courses.* An accredited graduate or advanced professional course pursued at a collegiate institution shall be measured in accordance with paragraph (d) (2) of this section unless the course consists of or includes research over and beyond that normally required in the preparation of ordinary classroom assignments, such as thesis research, or a comparable prescribed activity, in which case it shall be measured as follows:

(1) Full time: Course pursued in residence and a responsible official of the institution certifies that the veteran is pursuing the course on a full-time, in residence, basis.

(2) Three-fourths time: Course pursued in residence and a responsible official of the institution certifies that the veteran is pursuing the course on a three-fourths time, in residence, basis.

(3) One-half time: Course pursued in residence and a responsible official of the institution certifies that the veteran is pursuing the course on a one-half time, in residence, basis.

(4) Less than one-half time: Course pursued in residence and responsible official of the institution certifies that the

veteran is pursuing the course on a less than one-half time, in residence, basis.

(5) A responsible official of the institution will certify a program of research activity pursued by a veteran in absentia as full-, three-fourths-, one-half-, or less than half-time training, and the activity will be measured accordingly when:

(i) The research activity is defined and organized so as to enable the certifying official to so evaluate the time required for its successful pursuit, and

(ii) The time certified for the research activity is independent of the time devoted to any employment situation in which the veteran might be engaged.

(6) Undergraduate courses required by the school shall be measured under paragraph (d) of this section, even though the veteran is enrolled as a graduate student. If the veteran is taking both graduate and undergraduate courses, the school shall give the credit-hour equivalent of the graduate work so that this equivalent may be combined with the undergraduate credits to determine the extent of training under paragraph (d) of this section.

(g) *Apprentice or other training on the job.* A course of apprentice training or other training on the job shall be measured as follows:

(1) *Full time:* The number of hours which constitute the standard workweek of the establishment at which the training is pursued, but not less than 36 hours of required attendance per week, except that full-time training shall be not more than the hours established as the standard workweek for the particular establishment through bona fide collective bargaining between employers and employees. (38 U.S.C. 1633(b).)

(2) *Apprentice or other training on the job which is less than full time is not authorized.* (38 U.S.C. 1632(h)(2).)

(h) *Cooperative course.* (1) The courses referred to in 38 U.S.C. 1632(b) shall be measured as full time, when:

(i) The school portion measures full time under either paragraph (b)(1), (c), (d)(2)(i), (d)(3)(i), or (d)(5) of this section;

(ii) A responsible official of the school offering the course certifies the on-the-job portion of the course will require not less than 36 hours per week of attendance by the veteran except in those establishments where less than 36 hours has been established as the standard workweek through bona fide collective bargaining; and

(iii) The official further certifies that the on-the-job portion meets the other criteria stated in § 21.2205(a) (1), (3), (4) and (5).

(2) *Cooperative courses involving continuous part-time work and part-time study in combination shall be measured on the basis of the ratio which each such portion of the training bears to full time, as defined in subparagraph (1) of this paragraph.*

(3) *Training in a cooperative course on less than a full-time basis is not authorized.* (38 U.S.C. 1632(b).)

(4) *Most cooperative courses of college level are organized on a 5-year plan and usually include a period devoted exclusively to academic instruction occurring at both the beginning and the end of the course, such periods being the equivalent to at least a semester in length. The intervening period—usually 3 years or more—consists of a series of cycles of relatively equal alternating periods of classroom instruction and occupational experience, i.e., during this period the institutional portion of the course is supplemented by on-the-job training. For example, in one course the first period extending from September to April of the freshman year is devoted to academic instruction only. Following the series of cycles of alternating classroom instruction and occupational experience the final 6 months of the senior year are devoted exclusively to classroom instruction. In another course the first 2 school years and the final semester of the fifth year are devoted exclusively to classroom instruction. When the course is not comprised in its entirety of cycles of alternating academic instruction and occupational experience, the veteran shall receive the education and training allowance set forth in § 21.2052(b) for that portion of the course during which the on-the-job training supplements the institutional portion, that is, for that portion consisting of cycles of alternating academic instruction and occupational experience. The veteran shall receive the education and training allowance set forth in § 21.2052(a) for those periods equivalent to at least a semester in length which are devoted exclusively to academic instruction and which either precede or follow the series of cycles. Where the course is comprised in its entirety of cycles of alternating academic instruction and occupational experience or where the period devoted exclusively to academic instruction at the beginning or end of the course is less than the equivalent of a semester in length, the veteran shall be paid the education and training allowance set forth in § 21.2052(b). If the veteran interrupts his training under the law for that part of a cycle devoted to occupational experience, he shall not receive any education and training allowance during the period of such interruption, and the fact of such interruption will not operate to make the veteran entitled to the rate set forth in § 21.2052(a) for the part of the cycle devoted exclusively to academic instruction.*

(i) *Institutional on-farm training.* As specifically prescribed in chapter 33, the approved course shall provide that the operation of the farm, together with the group instruction part of the course, shall occupy the full time of the veteran.

(1) In no case will the veteran be deemed to be devoting full time to the pursuit of his program of institutional on-farm training during any period when he engages in remunerative employment, other than the conduct of his institutional on-farm training program, and such remunerative employment:

(i) *Exceeds 180 hours during any 12-month segment of his enrollment period,*

or a pro rata part thereof during a segment at the end of his period of enrollment which is shorter than 12 months. For example: If the veteran's approved program is 18 months in length, remunerative employment in excess of 180 hours during the first 12 months of his enrollment, or in excess of 90 hours during the last 6 months, would require interruption of the veteran's training; or

(ii) *Totals 180 hours or less during a 12-month segment of his enrollment period, unless the school finds that such employment does not impede or interfere with the veteran's pursuit of his farm-training program.*

(2) *Day-for-day exchange of labor for farming operations, when performed in accordance with the farm practices of the community and then only to the extent permitted by the school, is considered to be labor in connection with the conduct of the veteran's farm-training program, and will not be regarded as remunerative employment.*

(3) *The law does not permit the pursuit of institutional on-farm training on less than a full-time basis.* (38 U.S.C. 1632(h)(2).)

(j) *Concurrent enrollment.* Where a veteran cannot successfully schedule his complete program at the primary institution, a program of concurrent enrollment may be approved. When requesting such a program, the veteran must show that his complete program of education or training is not available at the training institution in which he will pursue the major portion of his program, or that it cannot be successfully scheduled within the period in which he plans to complete his program.

(1) *Where the standards for measurement of the courses pursued concurrently in the two institutions are different, the principles of § 21.104(c) will be applied. The extent of the course will be determined by converting the measurement of training in the second institution to its equivalent in value to the measurement required for full-time training in the first institution, e.g., institutional training on a clock-hour basis converted to its equivalent in value to semester-hours of credit will be 0.56 semester credits (14÷25) or 0.46 semester credits (14÷30), as applicable, for each clock-hour of attendance.*

(2) *Periodic certifications of training prescribed by § 21.2303 will be required from the veteran and each of the institutions where concurrent enrollment in two institutions is approved.*

(m) *Registered nursing and registered professional nursing courses.* (1) *Courses for the objective of registered nurse or registered professional nurse will be measured as institutional training when such courses are provided in autonomous schools of nursing, hospital schools of nursing, or schools of nursing established in other schools or departments of colleges and universities: Provided, That the course is either an accredited course pursued in a school which has been approved and accredited by a nationally recognized accrediting agency or association, or is a nonaccredited course which meets the requirements of*

the licensing body of the State in which the school is located.

(2) The hospital or fieldwork phase of a course leading to a degree of bachelor of science in nursing, or a comparable degree, will be measured as an institutional course when the hospital or fieldwork phase is an integral part of the course, the completion thereof is a prerequisite to the granting of the degree, the student remains enrolled in the institution during the entire period, and the training is under the direction and supervision of the institution. Where measurement of the hospital training segment on a credit hour basis would not reflect the full-time status of the student, enrollment certifications submitted by the school should include appropriate entries to show clock hours in lieu of credit hours during the hospital training periods.

(3) Education and training allowance will not be paid to a veteran enrolled in any other course for the objective of registered or registered professional nurse.

(n) *Practical nursing courses.* (1) Courses offered by schools which lead to the objective of practical nurse, practical trained nurse, or licensed practical nurse will be measured as institutional training including both the academic subjects and the clinical training: *Provided*, That the clinical training is offered in an affiliated or cooperating hospital and the student is enrolled in and supervised by the school during the period of such clinical training. For the academic portion of the course, measurement will be semester-hours of credit or clock-hours of required attendance per week, whichever is appropriate. The clinical training will be measured in clock-hours of required attendance per week.

(2) Enrollment in courses for the objective of nurse's aide will not be authorized under this law.

19. Section 21.2067 is revised to read as follows:

§ 21.2067 Overcharges by educational institutions.

(a) The Veterans Administration may disapprove an educational institution for the enrollment of any veteran or eligible person under chapters 31, 33 and 35, Title 38, United States Code when it finds that the institution has charged or received from any veteran or eligible person any amount in excess of the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same course to pay.

(b) A tax-supported public institution which makes no charges for tuition or fees to nonveteran resident students may charge each veteran an amount which does not exceed the estimated cost of teaching personnel and supplies for instruction but in no event to exceed \$10 per month for a full-time course or a pro rata part thereof for less than a full-time course. (38 U.S.C. 1634.)

(1) An institution desiring to charge resident veterans, on this basis, shall notify the appropriate regional office in writing of its charges and the date they are to be effective. The notice shall include a certification by the president or

other authorized official that the institution does not have established charges which it requires nonveteran residents to pay and that the charges made of veterans do not exceed the estimated cost of teaching personnel and supplies.

(c) The charges for tuition and fees established by a nonprofit educational institution not subject to the 85-15 percent ratio requirement will be considered the established charges of the institution even though no nonveterans are enrolled in the courses approved for veterans. The term nonveteran as used in this section does not include eligible persons under chapter 35.

(d) The Director, Vocational Rehabilitation and Education Service is delegated authority to disapprove any educational institution for further enrollments of veterans or eligible persons when it has been determined, after a hearing before the Central Office Education and Training Review Panel (see § 21.2209) that such institution has willfully and knowingly charged or received from a veteran or an eligible person under chapters 33 or 35, any amount in excess of the institution's established charges for tuition and fees as defined in this section.

20. In § 21.2150, the headnote is amended to read as follows:

§ 21.2150 Designation of State approving agencies under chapter 33, Title 38, United States Code.

21. In § 21.2151, the headnote and paragraphs (a) through (c) are amended to read as follows:

§ 21.2151 Approval of courses under chapter 33, Title 38, United States Code.

(a) An eligible veteran shall receive the benefits of the law, while enrolled in a course of education or training offered by an educational institution or training establishment only if such course is approved by the State approving agency for the State where such educational institution or training establishment is situated, or by the Administrator, where appropriate. (38 U.S.C. 1642(a).)

(b) Approval of courses by State approving agencies shall be in accordance with the provisions of the law, and such other regulations and policies as the State approving agency may adopt not in conflict therewith. (38 U.S.C. 1642(a).)

(c) (1) The Administrator is responsible for the approval of:

(i) Courses of education or training offered by any agency of the Federal Government authorized under other laws to offer such courses of education or training,

(ii) Courses of education offered by institutions of higher learning located in foreign countries, and

(iii) Courses of education or training offered by schools and establishments located in the Panama Canal Zone, Guam and Samoa.

(2) In addition the Administrator may approve any course in any other educational institution or training establish-

ment in accordance with the provisions of the law. (38 U.S.C. 1642 (b).)

22. In § 21.2152, the headnote and paragraph (c) are amended to read as follows:

§ 21.2152 Cooperation between State approving agency and the Veterans' Administration under chapter 33, Title 38, United States Code.

(c) The Administrator will furnish State approving agencies with copies of such Veterans' Administration informational and instructional material as may aid them in carrying out the provisions of this law. (38 U.S.C. 1643.)

23. In § 21.2153, the headnote and paragraphs (b) and (d) are amended to read as follows:

§ 21.2153 Reimbursement of expenses under chapter 33, Title 38, United States Code.

(b) *Reimbursement.* Reimbursement will be made for the expenses incurred in rendering the following services:

(1) *Accredited courses.* Reimbursement for services rendered in the approval of accredited courses under the provisions of section 1653 of chapter 33 will be limited to the necessary salary and travel expenses incurred in the inspection of such courses for approval, processing the applications submitted by the institutions, and furnishing notices of approval as provided in § 21.2207. Reimbursement will be provided for one supervisory visit each year to institutions which offer approved courses as provided in this subparagraph.

(2) *Nonaccredited courses.* Reimbursement of salaries and travel expenses will be provided for services in connection with the inspection, approval, and supervision of nonaccredited courses approved under section 1654 of chapter 33. However, services in connection with the supervision of nonaccredited courses which are offered by collegiate institutions or by public tax-supported institutions below the college level, where such courses are a part of the regularly established programs of such institutions, will not be required except on a selective basis.

(3) *Institutional on-farm training courses.* Section 21.2202 requires that each individual course of institutional on-farm training be approved by the appropriate State approving agency prior to the award of benefits by the Veterans Administration to the eligible veteran enrolled therein. Reimbursement of salaries and travel expense will be provided by the Veterans Administration to the appropriate State approving agency for the necessary services in connection with the inspection, approval, and supervision of on-the-farm training courses for the individual veteran enrolled under this law. Reimbursement will be provided for the expenses of supervision visits twice each year to classes in which veterans are enrolled and to include visits to the individual farms of 10 percent, but not less than 2 farms of the veterans enrolled under this law at the time of such supervisory visits. No reimburse-

ment will be provided to the State approving agency for the expenses incurred in the inspection, approval, and supervision of the individual institutional on-farm training courses where the State is in fact the institution providing the instruction. Neither will reimbursement be made for the expenses of approval of such courses where the State approving agency accepts the findings of local authorities without a physical inspection being made by an employee of the agency of the veteran's individual program and farm.

(4) *Correspondence courses.* Reimbursement will be provided for expense incurred in the inspection, approval, and supervision of correspondence courses on the same basis as other courses approved under section 1653 or 1654 of chapter 33, depending upon whether such correspondence courses are approved as accredited or nonaccredited.

(5) *On-the-job and apprentice training courses.* The law does not authorize the Veterans Administration to reimburse a State or Federal agency for expenses incurred by such agency which are in connection with duties normally a function and responsibility of the State or Federal Government or agency thereof and which would normally be performed without reference to the veterans' program. Except as provided in this subparagraph, State approving agencies will be reimbursed for necessary salaries and travel expense in connection with the inspection, approval, and supervision of establishments offering apprentice or other on-the-job training courses to veterans enrolled under this law and for furnishing at the request of the Veterans Administration any other services in connection with this law. Where apprentice courses are registered with and under the supervision of either a State apprenticeship agency or the Federal Bureau of Apprenticeship, and where approval or supervisory visits in addition to those, if any, made under the regular State or Federal program to establishments offering such courses under the law are made by personnel of the State approving agency, the appropriate State approving agency will be reimbursed for the necessary salaries and travel expense for making one such visit each year and for any additional visits approved by or made at the request of the Veterans Administration. Where the designated State approving agency for the approval of apprenticeship courses is the State apprenticeship agency, reimbursement for services in connection with apprentice programs will be made for visits at the request of the Veterans Administration, as well as, the clerical salary expense incurred in processing the applications submitted by training establishments and furnishing notices of approval as provided in § 21.2207.

(6) *Regional office committee on educational allowances.* Reimbursement may be made from the funds provided in the existing contract with the State approving agency for the salary and travel of the employee of the State approving agency serving as a designated member

of the regional office committee on educational allowances (§ 21.2208(d)(3)).

(d) *Nonreimbursable expenses.* (1) reimbursement will not be provided under reimbursement contracts for:

(i) Expenditures other than salaries and travel of personnel required to perform the services specified in the contract and Veterans Administration Regulations.

(ii) Supplies, equipment, printing, postage, telephone services, rentals, and other miscellaneous items or services furnished directly or indirectly.

(iii) The salaries and travel of personnel while attending training sessions, or when they are engaged in activities other than (a) those in connection with the inspection, approval, or supervision of educational institutions and on-the-job training establishments, or (b) services rendered as members of a regional office committee on educational allowances, except as provided in paragraph (c)(2) of this section.

(iv) The supervision of educational institutions or training establishments which do not have veterans in training under the law.

(v) Expenses incurred in the administration of an educational program which are costs properly chargeable as tuition costs, such as the development of course material or individual training programs, teachers training or teacher improvement activities, expenses of coordinators, or administrative costs, such as those involving selection and employment of teachers. (This does not preclude reimbursement for expenses of the State agency incurred in the development of standards and criteria for the approval of courses under the law.)

(vi) Expenses of a State approving agency for inspecting, approving, or supervising courses where such agency is responsible for establishing, conducting, and supervising the courses approved.

(vii) Any expense for supervision or other services to be covered by contract which are already being reimbursed or paid from tuition funds under this law or section 12(a) of Public Law 85-857.

24. Section 21.2201 is revised to read as follows:

§ 21.2201 Approval of courses of apprentice or other training on the job.

(a) *Application required.* Any training establishment desiring to furnish a course of apprentice or other training on the job shall submit a written application to the appropriate State approving agency setting forth the following:

(1) Title and description of the specific job objective for which the eligible veteran is to be trained;

(2) The length of the training period;

(3) A schedule listing various operations for major kinds of work or tasks to be learned and showing for each job operations or work, tasks to be performed, and the approximate length of time to be spent on each operation or task; the schedule must be in such terms and in such detail as will enable the State approving agency to determine whether, in a genuine sense, the comple-

tion of training under the schedule will qualify the trainee for the job;

(4) The wage or salary to be paid at the beginning of the course of training, at each successive step in the course, and at the completion of training;

(5) The entrance wage or salary paid by the establishment to employees already trained in the kind of work for which the veteran is to be trained; and

(6) The number of hours of supplemental related instruction required. (38 U.S.C. 1651(a).)

(b) *Criteria for approval.* The appropriate State approving agency shall investigate the courses offered and training facilities of each training establishment which submits an application in accordance with paragraph (a) of this section, and may approve the course or courses covered by such application only when its investigation shows that the training establishment has met the following criteria:

(1) The training content of the course is adequate to qualify the eligible veteran for appointment to the job for which he is to be trained. (38 U.S.C. 1651(b)(1).)

(2) There is reasonable certainty that the job for which the eligible veteran is to be trained will be available to him at the end of the training period. (38 U.S.C. 1651(b)(2).)

(i) Where the course, whether offered by an employer or by a joint apprentice committee, is to be pursued in one employer's establishment, this criterion requires assurance from the employer-trainer that he has such a job in his establishment and that, except for unforeseeable eventualities or unsatisfactory conduct or progress on the part of the veteran, he will appoint the veteran to that job upon the completion of the course.

(ii) Where the course is offered by a joint apprentice committee and the trainee will be employed by several employers successively, the above criterion requires that, except for unforeseeable eventualities or unsatisfactory conduct or progress on the part of the veteran, he will upon completion of the course be awarded credentials showing that he has attained journeymanhood.

(iii) The assurance required in subparagraph (2) (i) and (ii) of this paragraph may consist of a written statement by the employer-trainer or by the joint apprentice committee, as appropriate, or it may be evidenced by published statements or agreements clearly indicating that the employee will be employed as a journeyman upon completion of the apprentice training.

(3) The job is one in which progression and appointment to the next higher classification are based upon skills learned through organized training on the job, not on such factors as length of service and normal turnover. (38 U.S.C. 1651(b)(3).)

(4) The wages to be paid the eligible veteran for each successive period of training are not less than those customarily paid in the training establishment and in the community to a learner in the same job who is not a veteran. (38 U.S.C. 1651(b)(4).)

(5) The job customarily requires a period of training of not less than 3 months and not more than 2 years of full-time training, except that this provision shall not apply to apprentice training. (38 U.S.C. 1651(b)(5).)

(6) The length of the training period is no longer than that customarily required by the training establishment and other training establishments in the community to provide an eligible veteran with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the eligible veteran will need to learn in order to become competent on the job for which he is being trained. (38 U.S.C. 1651(b)(6).)

(7) Provision is made for related instruction for the individual eligible veteran who may need it. (38 U.S.C. 1651(b)(7).)

(8) There is in the training establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job. (38 U.S.C. 1651(b)(8).)

(9) Adequate records are kept to show the progress made by each eligible veteran toward his job objective. (38 U.S.C. 1651(b)(9).)

(1) This requires that the trainer, whether an employer or a joint apprentice committee, shall maintain a record of the veteran's accomplishments and failures as he proceeds in the course so that the current state of his advancement therein will be clearly indicated by the trainer's records.

(10) Appropriate credit is given the eligible veteran for previous training and job experience, whether in the military service or elsewhere, his beginning wage adjusted to the level to which such credit advances him and his training period shortened accordingly, and provision is made for certification by the training establishment that such credit has been granted and the beginning wage adjusted accordingly. No course of training will be considered bona fide if given to an eligible veteran who is already qualified by training alone, by experience alone, or by a combination of both for the job objective. (38 U.S.C. 1651(b)(10).)

(1) A veteran will be considered already qualified for the job objective when:

(a) He has at any time in the past been employed as a qualified workman in such a job.

(b) He has completed a recognized course of apprenticeship or he has completed a course of training on the job other than apprenticeship which is customarily accepted as qualifying for employment in the objective either in the area where he was trained or where he requests to be trained.

(c) He has completed a school course for that objective which is one of the professional objectives listed in the Dictionary of Occupational Titles, Code No. 0-01.00 through 0-39.99, e.g.; in no case will a veteran who has completed a school course for a professional objective, such as engineer, pharmacist, accountant, teacher, etc., be placed in

training on the job for such objective, except that:

(1) An eligible veteran training for the objective lawyer, may on successful completion of the first year of law school or on graduation pursue in a law office a bona fide course of on-the-job training or a clerkship for the required period in the States of Pennsylvania, New Jersey, Delaware, Vermont, Rhode Island, or other States requiring such training as a condition precedent to admission to the bar examination and to practice.

(d) He has completed a course for that objective below the professional level in a school whose graduates commonly obtain employment in that job objective without a course of on-the-job training, e.g.; completion of a course in a school of watchmaking whose graduates do so qualify. This will not preclude apprenticeship or other training on the job for objectives usually reached through apprenticeship or other training on the job where an eligible veteran has pursued a course of school training which gives him some theory or shop practice in the objective but which does not qualify him for meeting employment requirements, provided the employer-trainer, as required by 38 U.S.C. 1651(b)(10), gives him appropriate credit for the training pursued in school.

(e) He is appointed to that job under Federal, State, or municipal civil service and on the regular payroll of the Federal Government, State, or municipality, even though as an employee he receives some in-service training, e.g., the job of policeman or fireman.

(f) He is performing the job operations of his objective and receiving little or no instruction other than what is commonly provided by the establishment to qualified employees in the occupation; e.g., an eligible veteran who is performing as a salesman for a company, with the majority of his time being spent selling the goods or services of the company unaccompanied by any trainer.

(g) He is performing the job operations of his objective in essentially the same manner as a journeyman in the occupation, and is not receiving organized instruction; e.g., an eligible veteran who is performing as a barber or apprentice barber and is assigned to a chair and serves all who come to his chair in the same way that customers are served by the journeymen barbers in the same shop.

(11) A signed copy of the training agreement for each eligible veteran, including the training program and wage scale as approved by the State approving agency, is provided to the veteran and to the Veterans Administration regional office and the State approving agency by the employer. (38 U.S.C. 1651(b)(11).) In addition, the training agreement will include certifications: (i) that there is reasonable certainty that the job for which the veteran is to be trained will be available to him at the end of the training period; (ii) whether related instruction is needed and, if so, what provision has been made for obtaining it; and (iii) what credit has been given the veteran for previous training or experience.

(12) Upon completion of the course of training furnished by the training establishment, the eligible veteran is given a certificate by the employer indicating the length and type of training provided and that the eligible veteran has completed the course of training on the job satisfactorily. (38 U.S.C. 1651(b)(12).)

(13) That the course meets such other criteria as may be established by the State approving agency over and above the preceding requirements so long as such additional criteria do not abrogate the twelve specific criteria in this paragraph. (38 U.S.C. 1651(b)(13).)

25. Section 21.2202 is revised to read as follows:

§ 21.2202 Institutional on-farm training.

(a) Approval of institutional on-farm training programs by the appropriate State approving agency will in every case be in consideration of the program as planned to suit the needs of the individual veteran-applicant. Accordingly, the appropriate State approving agency may approve a course of full-time institutional on-farm training when it satisfies, as to the individual veteran-applicant, the following requirements:

(1) The course combines organized group instruction in agricultural and related subjects of at least 200 hours per year and not less than 8 hours in any one month at an educational institution, with supervised work experience on a farm or other agricultural establishment. (38 U.S.C. 1652(b)(1).)

(i) The term "farm or other agricultural establishment" shall mean any place on which the basic activity is the cultivation of the ground, such as the raising and harvesting of crops, including fruits, vegetables, pastures, and/or the feeding, breeding, and managing of livestock, including poultry, and other specialized farming commonly followed in the area. Within the meaning of this subparagraph on-farm training will not apply to training in those establishments which are engaged primarily in the processing, distribution, or sale of agricultural products, or combinations thereof, such as dairy processing plants, grain elevators, packing plants, hatcheries, stockyards, florist shops, and so forth. Establishments desiring to offer such training must obtain approval of such courses as on-the-job training.

(2) The eligible veteran will perform a part of such course on a farm or other agricultural establishment under his control. (38 U.S.C. 1652(b)(2).)

(3) The course is developed with due consideration to the size and character of the farm or other agricultural establishment on which the eligible veteran will receive his supervised work experience and to the need of such eligible veteran, in the type of farming for which he is training, for proficiency in planning, producing, marketing, farm mechanics, conservation of resources, food conservation, farm financing, farming management, and the keeping of farm and home accounts. (38 U.S.C. 1652(b)(3).)

(i) The duration of an approved course shall be as long as, but no longer than, necessary to attain the objective

of the course outlined to meet the particular needs of the individual veteran. The carrying out of this requirement makes it mandatory that the course be developed to fit the needs of the veteran in his individual farming situation, and, consequently, that the length of the training period shall be ascertained by developing an individual plan with training goals and training practices clearly stated and then by determining how long the realization of the plan will require.

(4) The eligible veteran will receive not less than 100 hours of individual instruction per year, not less than 50 hours of which shall be on such farm or other agricultural establishment with not less than two visits by the instructor to such farm in any such month. Such individual instruction shall be given by the instructor responsible for the veteran's institutional instruction and shall include instruction and home-study assignments in the preparation of budgets, inventories, and statements showing the production, use on the farm, and sale of crops, livestock, and livestock products. (38 U.S.C. 1652(b) (4).)

(5) The eligible veteran will be assured of control of such farm or other agricultural establishment (whether by ownership, lease, management agreement, or other tenure arrangement) until the completion of his course. (38 U.S.C. 1652(b) (5).)

(i) This provision means that the farm must be under the veteran's operational control so he will be free to carry out the teachings of his training program without interference from anybody else. His control must be such that he is free to fertilize, cultivate, select, and grow crops, raise livestock, market his shares, etc., employing the improved practices which are the foundation of his course of training.

(ii) The number of veterans who may be processed into training on a single farm ordinarily will be limited to one. However, in a particular case, where the training institution and the Veterans Administration have found that conditions are so highly favorable as to assure the success of two veterans for training and subsequent self-employment on the same farm, two but not more than two, may be processed into or continued in training on a single farm: *Provided*, That the training situation with reference to each veteran meets in every respect the criteria set forth in 38 U.S.C. 1652: *And provided further*, That there is furnished documentary evidence that the two veterans have entered into a bona fide partnership agreement which provides for equal authority between the partners in the management and operation of the farm.

(6) Such farm or other agricultural establishment shall be of a size and character which:

(i) Will, together with the group-instruction part of the course, occupy the full time of the eligible veteran;

(ii) Will permit instruction in all aspects of the management of the farm or other agricultural establishment of the type for which the eligible veteran is being trained, and will provide the eligible

veteran an opportunity to apply to the operation of his farm or other agricultural establishment the major portion of the farm practices taught in the group instruction part of the course; and

(iii) Will assure him a satisfactory income for a reasonable living under normal conditions at least by the end of his course. (38 U.S.C. 1652(b) (6).)

(7) Prior to approval of enrollment in such course the institution and the veteran shall certify to the Veterans Administration that the training offered does not repeat or duplicate training previously received by the veteran. (38 U.S.C. 1652(b) (7).)

(8) The institutional on-farm training meets such other fair and reasonable standards as may be established by the State approving agency over and above the preceding seven requirements but not abrogating any of those requirements. (38 U.S.C. 1652(b) (8).)

26. Sections 21.2203 and 21.2204 are revised to read as follows:

§ 21.2203 Approval of accredited courses.

(a) *Accredited courses.* (1) Courses offered by educational institutions may be approved as accredited courses when:

(i) Such courses have been accredited and approved by a nationally recognized accrediting agency or association; this includes courses above secondary level offered by the accredited departments or schools of a college, or the accredited departments, schools, or colleges of a university for credit toward a collegiate certificate or degree, and also secondary level courses offered for Carnegie units of credit by accredited secondary schools;

(ii) Credit for such courses is approved by the State department of education for credit toward a high school diploma;

(iii) Such courses are conducted under sections 11-28 of Title 20, United States Code.

(iv) Such courses are accepted by the State department of education for credit for a teacher's certificate or a teacher's degree. (38 U.S.C. 1653.)

(2) An accrediting agency or association to be considered as nationally recognized shall appear on a list published by the Commissioner of Education in accordance with 38 U.S.C. 1653. The published list shall consist of those accrediting agencies and associations which the Commissioner has determined to be reliable authority as to the quality of training offered by an educational institution.

(i) The State approving agencies may utilize the accreditation of such accrediting associations or agencies for approval of the courses specifically accredited and approved by such accrediting association or agency. (38 U.S.C. 1653.)

(3) An institution desiring to enroll veterans under this law in accredited courses shall make application for approval of such courses to the State approving agency and shall submit copies of its catalog or bulletin together with such other information as will make it possible for the State approving agency to determine as a condition to approving the course whether:

(i) Adequate records are kept by the educational institution to show the progress of each eligible veteran enrolled under this law; and

(ii) The educational institution maintains a written record of the previous education and training of the veteran and clearly indicates that appropriate credit has been given by the institution for previous education and training with the training period shortened proportionately and the veteran and the Veterans Administration regional office so notified. (38 U.S.C. 1653.)

(4) Under the provisions of subparagraph (1)(i) of this paragraph, any course of college level approved by the State approving agency as an accredited course within the meaning of 38 U.S.C. 1653(a) (1), will be accepted by the Veterans Administration as an accredited course when all of the following conditions prevail:

(i) The college or university offering such course is accredited by a nationally recognized accrediting agency which appears on the list published by the Commissioner of Education as provided in subparagraph (2) of this paragraph; and

(ii) The course has entrance requirements of not less than the requirements applicable to the college level program of the institution; and

(iii) Credit for the course is awarded in terms of standard semester or quarter hours.

(5) Any business course in a 1- or 2-year business school approved by the State approving agency as an accredited course within the meaning of 38 U.S.C. 1653, will be accepted by the Veterans Administration as an accredited course when all the following conditions prevail:

(i) The school offering such business courses is accredited by the accrediting commission for business schools; and

(ii) The course offers training in the field of business as distinguished from other fields (this excludes courses such as radio and television service or repair, medical laboratory or X-ray, etc.); and

(iii) The course leads to a vocational objective in the field of business; and

(iv) The course is offered in residence at the location of the accredited institution.

(6) Any business course in a junior college of business approved by the State approving agency as an accredited course within the meaning of 38 U.S.C. 1653, will be accepted by the Veterans Administration as an accredited course when all the following conditions prevail:

(i) The junior college of business offering such business courses is accredited by the accrediting commission for business schools; and

(ii) The course requires at least 2 full-time academic years for completion; and

(iii) The course or curriculum is devoted primarily to business education; and

(iv) The course leads to a vocational or an educational objective, i.e., associate degree or diploma in the field of business.

(7) Under the provisions of subparagraph (1)(i) of this paragraph, any curriculum offered by a college or university which is a member of one of the

nationally recognized accrediting agencies or associations and which curriculum leads to a degree, diploma, or certificate will be accepted by the Veterans Administration as an accredited course when approved as such by the State approving agency. Approval of the individual subjects, required or elective, which are designated by the institution as a part of the curriculum leading to the degree, diploma, or certificate will not be necessary. Such approval may include noncredit subjects as are prescribed by the institution as a required part of the curriculum leading to the degree, diploma, or certificate, whether for individual students who may need the course to make up an entrance deficiency or for any other purpose.

§ 21.2204 Approval of nonaccredited courses.

(a) *Nonaccredited courses.* (1) Nonaccredited courses are any courses (other than institutional on-farm training) which are not approved as accredited courses under the standards specified in 38 U.S.C. 1653, which are offered by a public or private, profit or nonprofit, educational institution. These include nonaccredited courses offered by extension centers or divisions, or by vocational or adult education departments of institutions of higher learning, and nonaccredited courses offered by secondary schools.

(2) Any educational institution desiring to enroll veterans under this law in nonaccredited courses shall submit a written application to the appropriate State approving agency for approval of such courses. (38 U.S.C. 1654(a).)

(i) Such application shall be accompanied by not less than two copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official of the institution and shall include the following:

(a) Identifying data, such as volume number, and date of publication;

(b) Names of the institution and its governing body, officials, and faculty;

(c) A calendar of the institution showing legal holidays, beginning and ending date of each quarter, term, or semester, and other important dates;

(d) Institution policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;

(e) Institution policy and regulations relative to leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory attendance;

(f) Institution policy and regulations relative to standards of progress required of the student by the institution. This policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress, and a description of the probationary period, if any, allowed by the institution, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student;

(g) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

(h) Detailed schedule of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

(i) Policy and regulations of the institution relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course, or withdraws, or is discontinued therefrom;

(j) A description of the available space, facilities, and equipment;

(k) A course outlined for each course for which approval is requested, showing subjects or units in the course, type of work or skill to be learned, and approximate time and clock-hours to be spent on each subject or unit; and

(l) Policy and regulations of the institution relative to granting credit for previous education and training. (38 U.S.C. 1654(b).)

(ii) The appropriate State approving agency may approve the application of such institution when the institution and its non-accredited courses are found upon investigation to have met the following criteria:

(a) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools and private schools in the State, with recognized accepted standards.

(b) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.

(c) Educational and experience qualifications of directors, administrators, and instructors are adequate.

(d) The institution maintains a written record of the previous education and training of the veteran and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately, and the veteran and the Administrator so notified.

(e) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absences, grading policy, and rules of operation and conduct will be furnished the veteran upon enrollment.

(f) Upon completion of training, the veteran is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.

(g) Adequate records as prescribed by the State approving agency are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

(h) The institution complies with all local, city, county, municipal, State, and Federal regulations, such as fire codes, building and sanitation codes. The State approving agency may require such evidence of compliance as is deemed necessary.

(i) The institution is financially sound and capable of fulfilling its commitments for training.

(j) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. The institution shall not be deemed to have met this requirement until the State approving agency:

(1) Has ascertained from the Federal Trade Commission whether the Commission has issued an order to the institution to cease and desist from any act or practice, and

(2) Has, if such an order has been issued, given due weight to that fact.

(k) The institution does not exceed its enrollment limitations as established by the State approving agency.

(l) The institution's administrators, directors, owners, and instructors are of good reputation and character.

(m) The institution has and maintains a policy for the refund of the unused portion of tuition, fees, and other charges in the event the veteran fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion and such policy must provide that the amount charged to the veteran for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length.

(n) Such additional criteria as may be deemed necessary by the State approving agency. (38 U.S.C. 1654(c).)

27. In § 21.2204a, paragraph (b)(2) is amended to read as follows:

§ 21.2204a Refund policy for tuition, fees, and supplies for nonaccredited courses.

• • • • •
(b) *Correspondence courses.* • • • • •

(2) *Books, supplies, and equipment.* The amount of the charge for books, supplies, and equipment furnished to the veteran in accordance with the approved schedule of shipments need not be refunded. Where the institution will accept return by the veteran of unused books, supplies, and equipment in good condition, the amount which may be charged or retained for such items is a matter of agreement between the veteran and the institution.

28. In § 21.2205, that portion of paragraph (a) immediately preceding subparagraph (1) is amended to read as follows:

§ 21.2205 Approval of cooperatives courses.

(a) The courses which are referred to in 38 U.S.C. 1632(b), as the full-time program of education and training consisting of institutional and on-the-job training, with the on-the-job training portion strictly supplemental to the institutional portion, may be approved as cooperative courses when the school offering such courses submits to the State approving agency along with its appli-

cation statements of fact showing at least the following:

29. In § 21.2206, paragraph (a) and that portion of paragraph (b) (1) immediately preceding subdivision (i) are amended to read as follows:

§ 21.2206 Approval of correspondence courses.

(a) *Definition.* A correspondence course is a course conducted by mail, consisting of a series of written lesson assignments furnished by a school to the student for study and requiring the submittal to the school by the student of written answers to a series of questions and solutions to specified problems or work projects which are corrected and graded by the school and returned to the trainee.

(b) *Approval.* (1) A correspondence school desiring to enroll veterans under this law for correspondence courses may be approved when it meets the provisions of 38 U.S.C. 1653 or 1654, as applicable, and when its application together with any other material, such as specimen copies of the course as the approving agency may require, demonstrates that the course is satisfactory in all of the following elements and any others which the approving agency may specify:

30. Sections 21.2207, 21.2300, 21.2301 and 21.2302 are revised to read as follows:

§ 21.2207 Notice of approval of courses.

(a) The State approving agency, upon determining that an educational institution or establishment has complied with all the requirements of chapter 33, Title 38, United States Code, will issue a letter to such institution or establishment setting forth the courses which have been approved for the purposes of the law, and will furnish an official copy of such letter and attachments and will furnish later any subsequent amendments to the Veterans Administration. In the case of approval of a correspondence course, the State approving agency will forward notice of approval to the Director, Vocational Rehabilitation and Education Service, Veterans Administration, Washington 25, D.C. In all other cases, the notice of approval to the Veterans Administration will be forwarded to the regional office having jurisdiction over the territory in which the institution or establishment is located. The letter of approval for each institution shall be accompanied by a copy of the catalog or bulletin of the institution, as approved by the State approving agency, and shall contain the following information:

- (1) Date of letter and effective date of approval of courses;
- (2) Proper address and name of each educational institution or training establishment;
- (3) Authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the educational institution;
- (4) Name of each course approved;

(5) Where applicable, enrollment limitations, such as maximum numbers authorized and student-teacher ratio;

(6) Signature of responsible official of State approving agency; and

(7) Such other fair and reasonable provisions as are considered necessary by the appropriate State approving agency. (38 U.S.C. 1655.)

NOTE: In respect to institutions of higher learning, the letter of approval may identify accredited courses and subjects approved by reference to page numbers in the catalog or bulletin of the institution in lieu of a listing by name as required in subparagraph (4) of this paragraph.

(b) In addition to the copy of the approval letter and attachments as set forth in paragraph (a) of this section, the State approving agency will furnish to the Veterans Administration regional office having jurisdiction over the territory in which the institution or establishment is located, one copy of the approved application submitted by the institution or establishment as follows:

(1) The application required to be submitted by the training establishment under the provisions of 38 U.S.C. 1651.

(2) The application required to be submitted by the educational institution for nonaccredited courses approved under authority of 38 U.S.C. 1654.

§ 21.2300 Counseling under chapter 33, Title 38, United States Code.

(a) Counseling will be provided upon request to each veteran eligible for education and training under chapter 33 who is residing in a State or in the Republic of the Philippines. This service will be available prior to entering or while pursuing training or during a period of valid interruption of training, to assist a veteran in planning or evaluating the suitability of a program of education or training, or to aid in overcoming any personal problems which may interfere with satisfactory attainment of vocational adjustment.

(1) Travel at Government expense to and from the place of counseling may be authorized when counseling is required by Veterans Administration regulations. However, travel at Government expense will not be authorized for veterans who voluntarily request counseling.

§ 21.2301 Control by agencies of the United States.

(a) No department or agency or officer of the United States shall exercise any supervision or control whatsoever over any State approving agency, State educational agency, or State apprenticeship agency, or any educational institution or training establishment. (38 U.S.C. 1663.)

(b) The provisions of section 1663 shall not be construed to abrogate the responsibility of the Administrator under the law:

(1) To define full-time training in the case of certain courses of education or training;

(2) To determine whether overcharges were made by an educational institution and to disapprove such an educational institution for enrollment of any veteran not already enrolled therein;

(3) To determine whether the State approving agencies under the terms of contracts or reimbursement agreements are complying with the standards and provisions of the law;

(4) To examine the records and accounts of educational institutions and training establishments which are required by the law to be made available for examination by duly authorized representatives of the Government; and

(5) To disapprove schools or courses for reasons stated in the law or to approve schools or courses notwithstanding lack of State approval.

§ 21.2302 Conflicting interests.

(a) *General.* (1) Section 1664 of chapter 33, Title 38, United States Code, provides that:

(a) Every officer or employee of the Veterans' Administration, or of the Office of Education, who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible veteran was pursuing a course of education or training under this chapter shall be immediately dismissed from his office or employment.

(b) If the Administrator finds that any person who is an officer or employee of a State approving agency has, while he was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, an educational institution operated for profit in which an eligible veteran was pursuing a course of education or training under this chapter, he shall discontinue making payments under section 1645 of this title to such State approving agency unless such agency shall, without delay, take such steps as may be necessary to terminate the employment of such person and such payments shall not be resumed while such person is an officer or employee of the State approving agency, or State Department of Veterans Affairs or State Department of Education.

(c) A State approving agency shall not approve any course offered by an educational institution operated for profit and, if any such course has been approved, shall disapprove each such course, if it finds that any officer or employee of the Veterans' Administration, the Office of Education, or the State approving agency owns an interest in, or receives any wages, salary, dividends, profits, gratuities, or services from, such institution.

(d) The Administrator may, after reasonable notice and public hearings, waive in writing the application of this section in the case of any officer or employee of the Veterans' Administration, of the Office of Education, or of a State approving agency, if he finds that no detriment will result to the United States or to eligible veterans by reason of such interest or connection of such officer or employee.

(b) *Application of law.* Section 1664 applies only to an institution operated for profit and only to a period when at least one eligible veteran was, or is, enrolled therein under chapter 33.

(c) *Veterans Administration employee.* Where it is found that a Veterans Administration employee owns or has owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any such educational institution, action will be taken in accordance with the provisions of governing personnel policies. The

Manager will be responsible for action in cases involving field station employees. The responsible Central Office official shall act in cases involving a Central Office employee.

(d) *Office of Education employee.* Where it is found that an employee of the Office of Education has owned any interest in, or received any wages, salary, dividends, gratuities, profits, or services from, any such educational institution, the Commissioner of Education may request waiver of the application of the provisions of section 1664 as to such employee. The request for waiver will be addressed to the Director, Vocational Rehabilitation and Education Service. The Director will arrange for the issuance of appropriate notice and for the conduct of public hearings.

(e) *State agency employee.* The Manager of the regional office responsible for payments to a State agency under reimbursement contracts executed pursuant to section 1645 shall make the determinations concerning the actions of State employees. He shall determine whether an officer or employee of a State approving agency which is a party to such contract has, while he was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any such educational institution. The Manager shall notify the State agency in writing that unless he is advised within 15 days from the date of the written notice by the State agency of the termination of the service of such an employee (or of the initiation of action legally necessary to terminate), he will suspend payments under any existing contract between the Veterans Administration and the State agency under section 1645. The action will be effective the beginning of the month in which the violation was reported to the State.

(1) *Waiver requested.* If waiver is requested by the employee, the agency, or the school, and the objectionable relationship with the school is not terminated, the Manager will immediately insert notice in a newspaper or newspapers published in the city in which the State approving agency is located and in a local newspaper serving the area where the institution is located. The notice shall read substantially as follows:

The Veterans Administration has received a request for waiver of the application of section 1664(b), Title 38, United States Code, insofar as it may be applicable to certain employees of the _____ (insert name of State agency), so that they may also be employed as _____ (insert type of employment) by _____ (insert name of school), located in _____ (insert name of city in which school is located).

All persons desiring to be heard on this matter should communicate in writing with the Manager, Veterans Administration _____ (regional office), _____ (insert address of regional office), prior to _____ (30 days from the date of publication) setting for the basis of their interest and their objections, if any, to the granting of such request.

(2) *Hearing requested.* If a hearing is requested, it will be conducted in a manner similar to comparable personnel actions. Arrangements for the hearing

will be made by the Manager. Immediately following the hearing, the Manager will submit to the Director, Vocational Rehabilitation and Education Service a complete transcript of the hearing, together with a copy of any notice or notices published in the newspaper or newspapers as required in this paragraph and his recommendations as to whether or not the waiver should be granted.

(3) *Employee terminated.* If the State approving agency informs the Manager in writing that the employment of the employee has been terminated, the Manager will resume payments to the State approving agency as of the beginning of the month following such termination. He will submit a report of such action to the Director, Vocational Rehabilitation and Education Service.

(4) *Waiver granted.* If the Director, Vocational Rehabilitation and Education Service grants the request for waiver, the Manager will be advised of such action by the Director, Vocational Rehabilitation and Education Service. He will be instructed to resume payments to the State approving agency effective as of the date such payments were suspended.

(5) *Waiver denied.* If the waiver requested by the State approving agency is subsequently denied by the Administrator, the Manager will be so informed by the Director, Vocational Rehabilitation and Education Service. Payments under the contract shall not be resumed until the Manager has received evidence of termination of the services of the employee and in addition evidence that such individual is no longer an employee of either the State approving agency, the State Department of Veterans Affairs, or the State Department of Education. Payments will be resumed effective as of the beginning of the month following receipt of evidence of such termination.

(f) *Disapproval of courses.* Where it is found that an officer or employee of the Veterans Administration, the Office of Education, or a State approving agency has any interest in, or receives any wages, salary, dividends, profits, gratuities, or services from, any such institution, the Manager of the regional office having jurisdiction over the territory in which the institution is located shall notify the State approving agency and the institution immediately. The notice shall state that, under the provisions of section 1664(c), Title 38, United States Code, the courses offered by such institution, which have been approved for purposes of chapter 33, shall be disapproved subject to the waiver provided by section 1664(d) of the law and by these Veterans Administration Regulations.

(1) *Waiver requested by State approving agency, employee or school.* If a waiver is requested by the State approving agency, the employee, or the institution, such request will be processed by the appropriate regional office in accordance with the instructions set forth in this section.

(2) *Waiver requested by Office of Education.* Request from the Office of Edu-

cation for waiver will be processed by the Director, Vocational Rehabilitation and Education Service. The Manager will notify the State approving agency of this waiver request. The approving agency will be informed that action need not be taken to disapprove the courses offered by the educational institution pending a final determination of the Administrator on the request for waiver.

(3) *Waiver denied.* If the request for waiver is denied, the Manager will be so advised by the Director, Vocational Rehabilitation and Education Service. The Manager shall immediately notify the State approving agency and the school in writing of such decision.

(4) *Waiver granted.* If the request for waiver is approved, the Manager will be similarly informed, and shall notify the State approving agency and the school of the granting of the waiver, in which event no further action need be taken.

(5) *Notice to veterans.* The Manager will notify each veteran enrolled in the course or courses when:

(i) The course or courses are disapproved by the State agency, or

(ii) The State agency fails to disapprove the course or courses within 15 days from the date of the written notice addressed to the agency by the Manager, and no waiver has been requested, or

(iii) Requested waiver has been denied.

Notice of the disapproval of the course will be given to the veteran by letter addressed to him at the last address of record. He will be informed that he may apply for enrollment in an approved course in another institution, but that in the absence of such transfer, benefit payments will be discontinued on the 30th day subsequent to the date of such letter, or of discontinuance of training, whichever is earlier.

(g) *Waiver by the Veterans Administration.* Where a request is made for waiver of the application of section 1664, the Director, Vocational Rehabilitation and Education Service, unless for other valid reasons it is shown that waiver should not be granted, will find that no detriment will result to the United States or to eligible veterans by reason of the interest or connection of such officer or employee, provided:

(1) The employee concerned acquired his interest in such institution by operation of law, or acquired it, or his connection with such institution began, before the statute became applicable to such employee, and such interest has been disposed of and his connection discontinued, or

(2) The employee concerned meets all of the following conditions:

(i) His position involves no policy determinations, at any administrative level, having to do with matters pertaining to chapter 33.

(ii) His position has no relationship with the processing of any veteran's claim for education and training benefits under this law.

(iii) His position precludes him from taking any adjudication action on individual cases under this law.

(iv) His position does not require him to perform duties involved in the investigation of irregular actions on the part of the schools or veterans in connection with chapter 33.

(v) His position is not connected with the processing of claims by, or payments to, institutions or students enrolled therein under the provisions of chapter 33.

(vi) His work is not connected in any way with the inspection, approval, or supervision of institutions or establishments desiring to train veterans under the provisions of chapter 33.

(h) *Delegation of authority.* Authority is delegated to the Director, Vocational Rehabilitation and Education Service to grant waivers in the case of any employee who meets the criteria set forth in paragraph (g) of this section and to deny all requests for waivers which do not meet such criteria, except those requests which, in the opinion of the Director, Vocational Rehabilitation and Education Service, should be submitted to the Administrator for final decision. The Administrator reserves the right to grant waivers in the case of any employee who does not meet all of the criteria set forth in paragraph (g) of this section, when he determines that no detriment will result to the United States or to eligible veterans by reason of the interest or connection of the officer or employee involved.

31. In § 21.2303, that portion of paragraph (a) preceding subparagraph (1), and paragraphs (b) (4) (iii) and (c) (1) and (3) (ii) are amended to read as follows:

§ 21.2303 Reports by institutions.

(a) *Certification forms required.* Educational institutions and training establishments shall promptly certify to the Veterans Administration the enrollment or reenrollment of an eligible veteran in a course of education and training under the provisions of this law. Such educational institutions and training establishments are also required to submit for each veteran enrolled therein periodic certifications of training showing the veteran's continued pursuit of his course, attendance, conduct, progress, lessons completed in correspondence courses, instruction received in flight training courses, interruption or termination of training, and modifications of course which affect the charge against entitlement or the payment of education and training allowance (or tuition charges in a course pursued on less than half-time basis).

(b) *Reporting the interruption or termination of training.* * * *

(4) *Institutional on-farm training.* * * *

(iii) The veteran ceases to have managerial control of his farm as required by this law; or

(c) *Administrative allowance for preparation of reports and certifications.* (1) The Administrator shall pay to each educational institution which is required to submit reports and certifications to

the Veterans Administration under this law, an allowance at the rate of \$1.50 per month for each eligible veteran enrolled in and attending such institution to assist the educational institution in defraying the expense of preparing and submitting such reports and certifications: *Provided*, That the allowance to be paid to the educational institution for reports and certifications covering attendance on and after September 1, 1953, shall be \$1 per month for each eligible veteran enrolled in and attending the institution.

(3) * * *

(ii) The allowance shall be paid to the school only for those months in which a required report or certification (see § 21.2051(c)) was submitted for an eligible veteran and received by the Veterans Administration. Thus, the fact that a required quarterly certification may reflect a veteran's progress for a period of more or less than one quarter does not affect the amount of administrative allowance due for the month in which the certification is received by the Veterans Administration.

32. Section 21.2304 is revised to read as follows:

§ 21.2304 Overpayments to veterans; section 1666, Title 38, United States Code.

(a) *Recovery from the veteran.* The usual collection actions will be instituted against the veteran whenever an overpayment of education and training allowance occurs. The veteran's right to request waiver of recovery set forth in Part 5 of this chapter and his appeal rights in Part 19 of this chapter will also apply in these cases.

(1) Where an overpayment of benefits has been made to a veteran under any of the laws administered by the Veterans Administration, and the veteran has not made satisfactory arrangements for repayment, or collection of the overpayment has not been waived as to him, the Benefits and Facilities activity may not enter or reenter the veteran into training or issue a certificate of education and training (VA Form 22-1993). Where entry or reentry may not be approved, under the conditions stated, the veteran and the institution or establishment will be notified by the Benefits and Facilities activity.

(2) Where a veteran has been denied education and training under this paragraph and subsequently makes satisfactory arrangements with the Finance activity to liquidate the outstanding overpayment, the effective date of commencement or recommencement of education and training allowance will be determined under § 21.2054.

(b) *Liability of a school or establishment for overpayments to veterans.* Section 1666 of Title 38, United States Code provides: Whenever the Administrator finds that an overpayment has been made to a veteran as the result of (1) the willful or negligent failure of the educational institution or training establishment to report, as required by this chapter and applicable regulations, to

the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the veteran or (2) false certification by the educational institution or training establishment, the amount of such overpayment shall constitute a liability of such institution or establishment, and may be recovered in the same manner as any other debt due the United States. Any amount so collected shall be reimbursed if the overpayment is recovered from the veteran. This section shall not preclude the imposition of any civil or criminal liability under this or any other law.

(c) *Veterans Administration determinations and notice of liability to school or establishment—(1) False certification.* Overpayments to a veteran (if not recovered from him), shall constitute a liability of the school or training establishment if it is found that they were caused by a false certification by the school or training establishment. Liability resulting from a false certification is not contingent upon willfulness or negligence but simply upon a finding that the overpayment to the veteran resulted from a certification which was contrary to fact at the time it was made and therefore false.

(2) *Benefits and facilities.* The Benefits and Facilities activity will be responsible for determining whether there is prima facie evidence that an overpayment is the result of a false certification. An affirmative finding will be referred to the Finance activity.

(3) *Finance activity.* The Finance activity will notify the school or establishment in writing of the Veterans Administration's intent to apply the liability provisions of section 1666, Title 38, United States Code. The notice will also state that unless a written request for hearing is filed within 30 days of receipt of such notice, a determination of liability will be made on the evidence of record. The Finance activity will then refer the case to the Committee on Waivers for the regional office area in which the school or establishment is located.

(1) Cases will not be referred to the regional committee for determination of school or establishment liability if recovery has been made from the veteran, or if satisfactory arrangements for repayment have been made.

(4) *The Committee on Waivers.* Subject to the condition of paragraph (d) (2) (v) of this section, the Committee on Waivers for the field office having jurisdiction over the school or establishment is delegated authority to find whether a school or establishment is liable, under the criteria of this section, for an overpayment of education and training allowance to the veteran. While the committee is authorized to make a finding that recovery of the overpayment as to the veteran may be waived or not waived; the finding as to the school or establishment will be that it is "liable" or "not liable" for the overpayment, subject to their right to request administrative review under paragraph (d) (2) of this section.

(i) A hearing will be scheduled before the regional committee if requested by the school or establishment. A summary

of the hearing shall be placed in the veteran's records. The determination as to liability will be made after the hearing, or after the expiration of the 30-day period when no hearing is requested.

(ii) A copy of the decision of the committee, if adverse, shall be sent to the school or establishment. They shall also be advised of their right to request an administrative review by the Board on Waivers and Forfeitures, as provided in paragraph (d) (2) (ii) of this section. If the committee's decision is "not liable", the school or establishment will be advised by letter.

(5) *Extent of liability.* Waiver of collection of an overpayment as to a veteran will not relieve the school or establishment of liability for that overpayment. Recovery in whole or in part from the veteran will limit such liability accordingly.

(6) *Reimbursement to the school or establishment.* In any case where an overpayment has been recovered from the school or training establishment and the veteran subsequently repays the amount in whole or in part, the amount recovered from the veteran will be reimbursed to the school or establishment.

(d) *Administrative review of school or establishment liability.* (1) There is established in the Board on Waivers and Forfeitures a specially constituted Review Section which will be comprised of three members, one of whom is to be designated by the Director, Compensation and Pension Service, one by the Director, Vocational Rehabilitation and Education Service, and one by the General Counsel. This section will function under the jurisdiction of the Chairman of the Board on Waivers and Forfeitures, who will preside over the meetings of the section or will designate one member to preside, to be known as section chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the Review Section.

(2) The Review Section will have jurisdiction to conduct administrative reviews of the decisions of the regional Committee on Waivers in:

(i) Any case in which the decision of the regional committee is not unanimous.

(ii) Any case in which a request for administrative review is filed by the school or training establishment and received by the Veterans Administration regional office within 60 days from the date notice of the decision is mailed to the school or training establishment, or within 90 days, if the committee considers that this extension of time is warranted. Such request shall be in writing setting forth fully all of the contentions and errors relied upon. A hearing, if requested, will be granted by the regional committee but no expenses of claimant or his witnesses, if any, are payable by the Veterans Administration.

(iii) Any case in which an administrative review is requested by the regional Manager of the office concerned or by the Director, Vocational Rehabilitation and Education Service, within the time limits specified in subdivision (ii) of this subparagraph.

(iv) Any case in which the Board on Waivers and Forfeitures determines on its own motion that an administrative review is warranted.

(v) Any case involving over \$2,500.

(3) The Review Section will notify the Veterans Administration regional office of original jurisdiction and the school or training establishment of its decision. The decision of the Review Section will serve as authority for the Finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional Committee on Waivers in any case where the Review Section of the Board on Waivers and Forfeitures reverses a finding made by the regional committee that the school or training establishment is liable.

(4) The Review Section may review and modify its decision upon submission of new and material evidence. The regional committee will forward such evidence with its recommendation.

33. Section 21.2305 is revoked.

§ 21.2305 Overpayment of education and training allowances and other Veterans Administration benefits.

[Revoked]

34. Sections 21.2306 and 21.2307 are revised to read as follows:

§ 21.2306 Examination of records.

(a) The records and accounts of educational institutions and training establishments pertaining to eligible veterans who received or are receiving education or training under chapter 33 of Title 38, United States Code, shall be available for examination by duly authorized representatives of the Government. (38 U.S.C. 1667.)

(1) These records shall include accounting evidence of tuition and fees charged to and received from all students, both veteran and nonveteran, who are or have been enrolled in courses in which eligible veterans received or are receiving training under the law.

(b) Upon request by duly authorized representatives of the Veterans Administration or other Federal agencies, these educational institutions shall make available for examination all appropriate records and accounts. These shall include but are not limited to:

(1) Records and accounts which are evidence of tuition and fees charged to and received from all eligible veterans enrolled under the law and from similarly circumstanced nonveterans.

(2) Records of previous education or training of veterans enrolled under the law at the time of admission as students and records of advance credit, if any, granted by the institution at the time of admission; and

(3) Records of the veteran's grades and progress.

(c) The institutions approved under section 1654 of chapter 33 will make available, in addition to the records and accounts required in paragraph (b) of this section, the following:

(1) Records of leave, absences, class cuts, makeup work, tardiness, and interruptions for unsatisfactory conduct or attendance; and

(2) Records of refunds of tuition, fees, and other charges made to a veteran who fails to enter the course or withdraws, or is discontinued prior to completion of the course.

(d) The institutions approved under section 1652 of chapter 33 will make available, in addition to the records and accounts required in paragraph (b) of this section, the following:

(1) Records of the individual and organized group instruction furnished.

(e) Each training establishment which is enrolling or has enrolled eligible veterans under chapter 33, shall, upon request by duly authorized representatives of the Veterans Administration or other Federal agencies, make available for examination all appropriate records pertaining to such training including, but not limited to, payroll records, records of progress, and records of attendance.

(f) Failure to make records available as provided in this section shall be grounds for discontinuing the payment of education or training allowances to veterans enrolled under chapter 33 in such educational institutions or training establishments. (See § 21.2208.)

(g) The records and accounts of each veteran, as described in this section, pertaining to each enrollment period shall be preserved in good condition at the educational institution or training establishment for at least 3 years following the termination of such enrollment period unless, in specific cases, a request in writing for longer retention is filed with the responsible officer of the educational institution or training establishment by the General Accounting Office or the Veterans Administration not later than 30 days prior to the end of the 3-year period.

§ 21.2307 False or misleading statements.

The Veterans Administration shall not make any payments under 38 U.S.C. chapter 33, to any person found by the Veterans Administration to have willfully submitted any false or misleading claim. In each case where it is found that an educational institution or training establishment has willfully submitted a false or misleading claim, or where a veteran, with the complicity of an educational institution or training establishment, has submitted such a claim, the Manager shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the United States Attorney, for appropriate action. Referrals to the United States Attorney shall be made in accordance with existing Veterans Administration Regulations by the Chief Attorney or the General Counsel if he is of the opinion that there is a basis for either civil or criminal action. (38 U.S.C. 1638.)

(72 Stat. 1114; 38 U.S.C. 210)

These regulations are effective April 19, 1960.

[SEAL] ROBERT J. LAMPERE,
Associate Deputy Administrator.

[F.R. Doc. 60-3484; Filed, Apr. 18, 1960; 8:45 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 911]

[Docket No. AO-262-A5]

MILK IN TEXAS PANHANDLE MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Ex- ceptions to Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Texas Panhandle marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Amarillo, Texas, on February 16, 1960, pursuant to notice thereof which was issued February 8, 1960 (25 F.R. 1211).

The material issues on the record of the hearing relate to:

1. Amending the Class II milk pricing provision; and

2. Revising the allocation provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. The Class II milk pricing provision should be revised.

Producers proposed that the price for Class II milk for the months of July through February should be the butter-powder formula price, computed pursuant to § 911.50(b), and for the months of March through June, such price less 13 cents.

When the order was promulgated, the Class II milk price, for the months of March through June, was based on the average of prices reported paid for ungraded milk of 4 percent butterfat con-

tent by four specified manufacturing plants, and for the months of July through February, the higher of such price or the butter-powder formula price in the order. For the latter group of months during the past four years, the effective Class II milk price has been the butter-powder formula price.

Since the establishment of the order, the amount of ungraded milk produced in the area has declined. In the first quarter of 1959, two of the four manufacturing plants specified in the order ceased receiving ungraded milk from dairy farmers. The two remaining plants did not receive sufficient volumes of ungraded milk to provide an appropriate basis for determining the true value of Class II milk in the Texas Panhandle market. To accommodate this situation on a temporary basis, an order determining an equivalent price for Class II milk was issued, effective May 1, 1959. Since then, one of the two remaining manufacturing plants has discontinued receiving ungraded milk and only a small volume of ungraded milk is being received at the other plant.

Under present conditions in the market, the butter-powder formula price continues to reflect appropriately the Class II milk price for the market during the months of July through February. During these eight months, producer receipts are lower in relation to Class I sales than during other months of the year and handlers are able to use most of the reserve milk in manufactured products such as ice cream and cottage cheese.

During the flush production months of March through June, the value of Class II milk is somewhat lower than during the fall and winter months. During this season of the year, considerable quantities of reserve milk now must be transported long distances to nonpool manufacturing plants because of the lack of adequate nearby manufacturing facilities.

It is concluded that the butter-powder formula price per hundredweight less 13 cents properly reflects the value of Class II milk during the months of March through June under current marketing conditions. If the proposed Class II pricing provision had been in effect during the March-June period of 1959, the Class II price would have averaged the same as that provided under the present order provision.

No opposition testimony was offered on producers' proposal.

2. The allocation provision which provides for the assignment of up to 5 percent of producer milk to Class II in a handler's plant before other source milk priced under another Federal order may be assigned to Class II should be limited in its application to periods when total receipts of producer milk by all handlers are less than 110 percent of Class I sales by all handlers.

A producers' association proposed the elimination of the provisions in the order which allocate up to 5 percent of producer milk to Class II before assigning to Class II other source milk priced under another order. Handlers, on the other hand, proposed an even more liberal allocation of other source milk from other Federal order markets.

Supplies of producer milk are inadequate to fill the Class I needs of the market during many months of the year. The allocation provision in question was included in the order to permit a handler whose producer milk runs short to bring in sufficient milk from other Federal markets to meet his Class I requirements and have it assigned to Class I even though he may have a small amount of reserve milk in his plant during the month. It recognizes the fact that it is impossible to balance exactly receipts and Class I sales during the month.

Producers alleged that conditions have changed since the promulgation of the order with respect to available supplies of producer milk. They also testified that one handler who had some producer milk in Class II, refused to cooperate with the producers' association in making such milk available to other handlers who were short of producer milk for Class I needs.

In 1956, the first year the order was effective, the percentage ratios of producer receipts to Class I sales were under 110 during six months of the year, with an average for the year of 111. During 1959, such percentage ratios were also under 110 for six months of the year, with an average for the year of 109. Although during six months of the year, the market still is relatively short of producer milk in relation to Class I sales and needed reserve supplies, with a large percentage of the milk now handled in bulk tanks, cooperative associations are in a position to move milk more effectively among handlers than formerly. During months when adequate supplies of producer milk are available in the market, there is no justification for assigning priority of allocation to sporadic purchases of other source milk which may be made by handlers on an opportunity basis.

It is concluded that during the months when producer receipts by all handlers are 110 percent or more of Class I sales, supplies of producer milk should be considered adequate for Class I requirements and should therefore be given full priority in the assignment to Class I sales.

Rulings on proposed findings and conclusions. Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and

conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to Section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Texas Panhandle marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Delete § 911.46(a)(4) and substitute therefor the following:

(4) Whenever the total receipts of producer milk by all handlers are less than 110 percent of Class I sales by all handlers, subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less.

2. Delete § 911.51(b) and substitute therefor the following:

(b) **Class II milk price.** For the months of July through February, the price for Class II milk shall be the price computed pursuant to § 911.50(b), and

for the months of March through June, such price less 13 cents.

Issued at Washington, D.C., this 13th day of April 1960.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 60-3518; Filed, Apr. 18, 1960;
8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-FW-25]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6437 and 601.6437 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 437 presently extends from Charleston, S.C., to Florence, S.C. The Federal Aviation Agency is considering extending Victor 437 from Savannah, Ga., VOR direct to the Charleston VOR. This modification would improve air traffic management by providing a more direct airway for VHF equipped aircraft operating between Savannah and Charleston.

If this action is taken, VOR Federal airway No. 437 and its associated control areas would be redesignated to extend from Savannah, Ga., to Florence, S.C.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth 1, Tex. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 12, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-3497; Filed, Apr. 18, 1960;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 60-NY-34]

FEDERAL AIRWAYS AND CONTROL AREAS

Designation, Modification and Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600, 601 and §§ 600.6140, 600.6463, 601.6140 and 601.6463 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the following proposed airway actions:

1. Designation of VOR Federal airway No. 475 from a VOR to be installed approximately March 1, 1961, near Deer Park, N.Y., at Lat. 40°47'28" N, Long. 73°18'22" W; via a VOR to be installed approximately March 1, 1961, near New Haven, Conn., at Lat. 41°23'00" N, Long. 72°34'00" W, thence to the Putnam, Conn., VOR, with an east alternate from the New Haven VOR via the Norwich, Conn., VOR to the Putnam VOR. This VOR airway and east alternate would serve as a part of a dual airway system and would facilitate air traffic management of the high volume of air traffic operating between the New York, Providence, R.I., and Boston, Mass., terminal areas.

2. Modification of VOR Federal airway No. 140 which presently extends in part from Coyle, N.J., to Idlewild, N.Y. It is proposed to extend Victor 140 northeastward from the Idlewild VOR to the VOR planned to be installed at Deer Park, N.Y. This segment of Victor 140 would serve as an access airway to Victor 475 for use by aircraft operating between the New York, Providence and Boston terminals.

3. Revocation of VOR Federal airway No. 463, which extends from Norwich, Conn., to Putnam, Conn. This airway would no longer be required for air traffic management and would also be a duplicate assignment of airspace with the proposed designation of Victor 475 east alternate from the New Haven VOR via Norwich VOR to the Putnam VOR.

If these actions are taken:

1. VOR Federal airway No. 475 and associated control areas would be designated from Deer Park, N.Y., via New Haven, Conn., to Putnam, Conn., with an east alternate from New Haven via Norwich, Conn., to Putnam.

2. A segment to VOR Federal airway No. 140 with associated control areas would be designated from Idlewild, N.Y., to Deer Park, N.Y.

3. VOR Federal airway No. 463 and associated control areas would be revoked. Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 12, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-3498; Filed, Apr. 18, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-82]

[14 CFR Parts 600, 601]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification of Federal Airway and Associated Control Areas and Control Area Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6095, 601.1076 and 601.6095 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 95 extends in part from Phoenix, Ariz., to Winslow,

Ariz., via the intersection of the Phoenix VOR 004° and the Winslow VOR 224° True radials. The Federal Aviation Agency has under consideration redesignation of Victor 95 direct between Phoenix and Winslow with a west alternate via the existing alignment of Victor 95.

Redesignation of Victor 95 would improve air navigation by providing a direct route between Phoenix and Winslow and reduce the present airway mileage between these points. Designation of the west alternate would improve air traffic management by providing an additional route between Phoenix and Winslow for climbing and descending traffic. Concurrently with this action, § 601.6095 pertaining to control areas associated with Victor 95 would be amended to include a west alternate. A portion of the Phoenix control area extension (§ 601.1076) is bounded by Victor 95. The description of the control area extension would be amended by the substitution of Victor 95 west for Victor 95. This would entail no additional airspace.

If these actions are taken, VOR Federal airway No. 95 and its associated control areas would be redesignated from the Phoenix, Ariz., VOR direct to the Winslow, Ariz., VOR, including a west alternate via the intersection of the Phoenix VOR 004° and the Winslow VOR 224° True radials. Concurrently, the Phoenix, Ariz., control area extension (§ 601.1076) would be amended by the substitution of VOR Federal airway No. 95 west for VOR Federal airway No. 95, in the text.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Field Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Field Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for

examination at the office of the Regional Air Traffic Management Field Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on April 12, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-3499; Filed, Apr. 18, 1960; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 300, 302]

[Docket No. 11221]

PRINCIPLES AND RULES OF PRACTICE Supplemental Notice of Proposed Rule Making

APRIL 14, 1960.

The Board, in 25 F.R. 2436 and by circulation of a Notice of Proposed Rule Making dated March 18, 1960, gave notice that it had under consideration clarifying amendments of Parts 300 and 302 of the Procedural Regulations concerned particularly with private communications to the Board and with the solicitation of support, from third persons, by parties to a proceeding.

In its notice, the Board requested interested parties to submit such comments as they might desire not later than April 21, 1960. Requests have been received by the Board asking for an extension of time in which to file comments.

The undersigned, acting under authority duly delegated to him by the Board, finds that good cause has been shown and that it will be in the public interest to grant an extension of time for the filing of comments.

Therefore, pursuant to the authority delegated under section 7.3 of Public Notice PN 14 and redelegated under section 7.6 thereof, the undersigned hereby extends the date for comment on PDR-3 for a period of 31 days. All relevant matter in communications received on or before May 23, 1960, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after May 27, 1960, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

(Sections 204(a) and 1001 of the Federal Aviation Act, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481)

[SEAL] ROSS I. NEWMANN,
Associate General Counsel,
Rules and Legislation.

[F.R. Doc. 60-3522; Filed, Apr. 18, 1960; 8:47 a.m.]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

ARMED FORCES SURPLUS PROPERTY BIDDERS REGISTRATION AND SALES INFORMATION OFFICE

The Assistant Secretary of Defense (Supply and Logistics) approved the following on January 11, 1960:

References:

- (a) DoD Instruction 4160.4, "Preparations for Sale and Sales of Surplus Personal Property, Including Foreign Excess"
- (b) DoD Instruction 7310.1, "Accounting and Reporting on Expenses and Disposition of Proceeds from Sale of Scrap, Salvage, Surplus or Foreign Excess Personal Property"

I. Purpose. The purpose of this Instruction is to assign responsibility to the Department of the Air Force to establish and operate an Armed Forces Surplus Property Bidders Registration and Sales Information Office (AFSPBRSIO) which will maintain a central bidders' list of surplus buyers and serve as the Department of Defense focal point for all inquiries pertaining to the sale of military surplus property.

II. Objective. The establishment of the AFSPBRSIO is designed to accomplish the following results:

A. Provide a single source whereby prospective buyers may establish bidders' list requirements and obtain sales information pertaining to all military selling activities.

B. Assure adequate market coverage in order to obtain maximum competition and return from sales.

C. Eliminate duplication and overlapping of effort between and among the Armed Services selling activities in connection with the maintenance of individual bidders' lists.

D. Provide reproduction and distribution of sales offerings for all sales activities.

E. Develop management-type data as deemed necessary and agreed on jointly by the military services.

III. Scope and applicability. The services performed by the AFSPBRSIO shall be applicable, as provided herein, to competitive bid sales of surplus personal property in the United States, except Alaska and Hawaii, and may, at the discretion of the military departments, be made applicable to the sale of overseas surplus and foreign excess personal property, and to contractor inventory not to be retained or otherwise disposed of by a contractor or subcontractor.

IV. Responsibilities. A. The Department of the Air Force will establish and operate the AFSPBRSIO. The Department of the Air Force will provide for supervision and administrative support of the AFSPBRSIO and will furnish necessary personnel, fiscal support, and facilities required for its operation. The other military services will provide

necessary liaison personnel to the AFSPBRSIO.

B. The AFSPBRSIO is responsible for:

1. Establishment of commodity listings that will relate military surplus property to commercial and industrial trade systems and practices.

2. The integration of all bidders' lists used by selling activities in the United States, except Alaska and Hawaii.

3. Furnishing replies to inquiries pertaining to the sale of military surplus personal property.

4. Maintenance of nation-wide and geographical area listings of bidder information by commodity groups.

5. Preparation and maintenance of "How to Buy Surplus" pamphlet.

6. Furnishing bidders' lists to the selling activities upon request.

7. Making necessary arrangements for reproduction and distribution of sales offerings for the selling activities and when required for holding activities.

8. Recommending changes in policies and practices necessary to resolve, eliminate, or reduce to a minimum any problems incident to assigned functions.

9. Performing travel to military selling activities to assist those activities in utilizing the services of the AFSPBRSIO, and to evaluate both the effectiveness of those services and their utilization.

10. Performing such other related functions as may be required by the ASD(S&L) or as may be jointly requested by the military departments.

C. Each of the Armed Services will continue to be responsible for its disposal programs other than maintenance of bidders' lists and reproduction of sales offerings at assigned selling activities. The services of the AFSPBRSIO will be used for the sale of all surplus items (including scrap and waste) except negotiated sales made under emergency conditions. In addition, each service will be responsible for assigning representatives to the AFSPBRSIO to assist in the initial integration of bidders' lists, the development of operating procedures and the performance on a continuing basis of necessary liaison functions between the AFSPBRSIO and the respective service selling activities on day-to-day operational matters. At such time as the AFSPBRSIO is in operation and is able to provide its services the selling activities will submit to the AFSPBRSIO a reproducible copy of its Invitations for Bid or other sales media for reproduction and distribution. As soon as practicable after a sale, information relative to sales participation and other jointly agreed on information will be forwarded by the selling activities to the AFSPBRSIO.

V. Implementation. The Department of the Air Force will monitor the preparation of jointly developed procedures governing the operation of the AFSPBRSIO. A copy of the procedures will be furnished to the Assistant Secre-

tary of Defense (Supply and Logistics) within 90 days after the effective date of this Instruction. Implementation of the procedures will be effective with the availability of resources to accomplish the purpose of this Instruction.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

APRIL 8, 1960.

[F.R. Doc. 60-3495; Filed, Apr. 18, 1960;
8:45 a.m.]

ESTABLISHMENT AND OPERATION OF CONSOLIDATED SURPLUS SALES OFFICES

The Assistant Secretary of Defense (Supply and Logistics) approved the following on January 11, 1960:

References:

- (a) DoD Instruction 4160.4, "Preparation for Sale and Sales of Surplus Personal Property, Including Foreign Excess"
- (b) DoD Instruction 7310.1, "Accounting and Reporting on Expenses and Disposition of Proceeds from Sale of Scrap, Salvage, Surplus or Foreign Excess Personal Property"
- (c) DoD Instruction 4160.17, "Reporting Requirements for DoD World-Wide Excess, Foreign Excess and Surplus Material"
- (d) DoD Instruction 5160.28, "Armed Forces Surplus Property Bidders Registration and Sales Information Office"

I. Purpose. The purpose of this Instruction is to assign responsibility to the military departments to establish consolidated surplus sales offices in the United States, except Alaska and Hawaii, for the sale of Department of Defense surplus personal property; to designate geographical area and military service sales assignments; and to prescribe general policies and practices relative to the operation of the consolidated sales offices and holding activities.

II. Applicability. This Instruction is applicable to the military departments and to the sale of all surplus personal property except contractor inventory physically located in the United States, except Alaska and Hawaii.

III. Policy. A. *Establishment of consolidated surplus sales offices.* Consolidated surplus sales offices will be established by the military services. The location of each consolidated sales office, geographical area of responsibility, holding activities to be served and the military service responsible for all aspects of the operation of each sales office are specified in Inclosure 1. Military Departments may permit installations that are scheduled for or are in the process of inactivation to continue selling surplus property when it is determined that consolidation would adversely affect the phase out of such installations. Consolidation of sales will be effected for each sales office by 1 January 1961, and the assignment of area and sales offices will not be changed

without the approval of the Assistant Secretary of Defense (Supply and Logistics).

B. Operation of consolidated sales offices. Each military service will be responsible for all phases of the operation of assigned consolidated sales offices and will prescribe detailed operating procedures for such offices and holding activities, subject to the policies and procedures contained in this Instruction. General policies and practices to be followed are included in Inclosure 2.

C. Contractor inventory. This Instruction is not applicable to contractor inventory. However, each military service will encourage the use of the consolidated surplus sales offices for the sale of contractor inventory when this means is considered more appropriate.

IV. Accounting. Accounting for proceeds from sales will be in accordance with reference (b).

V. Reports. Reports will be in accordance with references (b) and (c). Reports required by a military service from consolidated surplus sales offices assigned to another military service will be requested from the military service to which the consolidated sales office is assigned.

VI. Implementation. A. Implementation of this Instruction by the military departments will be in accordance with a time-phased plan to be jointly developed and coordinated by the OASD (S&L) and the military departments and will be contingent upon the military departments being furnished such additional resources as are required for implementation.

B. The military departments will collaborate on the preparation of joint implementing regulations in order to insure uniformity of instructions to inter-service elements involved.

MAURICE W. ROCHE,
Administrative Secretary,
Office of the Secretary of Defense.

APRIL 8, 1960.

[Inclosure 1]

CONSOLIDATED SURPLUS SALES OFFICES (CSSO's)

Area No. 1—Washington and Oregon

Sales point—Auburn General Depot (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 1.

Area No. 2—California, North of 36° Parallel and Nevada

Sales points—

1. Oakland NSC (Navy).

Satellite activities—All Navy and Marine Corps installations in Area No. 2.

2. McClellan AFB (Air Force).

Satellite activities—All Air Force installations in Area No. 2.

3. Sharpe General Depot (Army).

Satellite activities—All Army installations in Area No. 2.

Area No. 3—California, South of 36° Parallel

Sales points—

1. San Diego NSD (Navy).

Satellite activities—All Navy installations in Area No. 3.

2. Norton AFB (Air Force).

Satellite activities—All Air Force installations in Area No. 3.

3. Barstow MC Supply Center (Marine Corps).

Satellite activities—All Marine Corps and Army installations in Area No. 3.

4. NAS, North Island, San Diego (Specialized) (Navy).

Satellite activities—All Navy installations in U.S. for Aircraft only.

Area No. 4—Arizona

Sales point—270th Air Force Aircraft Storage and Distribution Group, Davis-Monthan Air Force Base, Arizona.

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 4.

Area No. 5—Utah, Idaho, Montana and Wyoming (Except Laramie County)

Sales point—Clearfield NSD (Navy).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 5.

Area No. 6—Colorado, North Dakota, South Dakota, Laramie County, Wyoming, Nebraska West of 102° Meridian

Sales point—Pueblo Ordnance Depot (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 6.

Area No. 7—New Mexico, Texas West of Pecos River

Sales point—Fort Bliss (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 7.

Area No. 8—Texas, East of Pecos River, South of 31° parallel

Sales point—Kelly AFB (Air Force).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 8.

Area No. 9—Texas East of Pecos River, North of 31° Parallel

Sales point—Fort Worth General Depot (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 9.

Area No. 10—Oklahoma

Sales point—Tinker AFB (Air Force).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 10.

Area No. 11—Kansas, Nebraska East of 102° Parallel, Missouri and Iowa West of 93° Meridian

Sales point—Ft. Leavenworth (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 11.

Area No. 12—Minnesota, Wisconsin, Iowa East of 93° Meridian, and Illinois North of 40° Parallel

Sales point—Rock Island Arsenal (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 12.

Area No. 13—Missouri East of 93° Meridian, Illinois South of 40° Parallel

Sales point—Granite City Engineer Depot (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 13.

Area No. 14—Arkansas, Tennessee West of 87° Meridian, Mississippi North of 33° Parallel

Sales point—Memphis General Depot (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 14.

Area No. 15—Mississippi South of 33° Parallel, Alabama South of 33° Parallel, Florida West of Apalachicola River and Louisiana

Sales point—Brookley AFB (Air Force).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 15.

Area No. 16—Florida East of Apalachicola River

Sales point—NAS Jacksonville (Navy).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 16.

Area No. 17—Georgia South of 33° Parallel, South Carolina South of 33° Parallel

Sales point—Supply Center, Albany (Marine Corps).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 17.

Area No. 18—Alabama North of 33° Parallel, Tennessee East of 87° Meridian, Georgia North of 33° Parallel, South Carolina North of 33° Parallel

Sales point—Atlanta General Depot (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 18.

Area No. 19—North Carolina, Virginia South of 38° Parallel

Sales point—NSC Norfolk (Navy).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 19.

Area No. 20—Kentucky and West Virginia

Sales point—Lexington Signal Depot (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 20.

Area No. 21—Maryland, District of Columbia, Virginia North of 38° Parallel

Sales point—Fort Holabird (Army).

Satellite activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 21.

Area No. 22—Ohio, Indiana, and Michigan

Sales points—

1. Gentile AF Depot (Air Force).

Satellite activities—All Air Force installations in Area No. 22.

2. Columbus General Depot (Army).

Satellite activities—All Army, Navy and Marine Corps installations in Area No. 22.

Area No. 23—Pennsylvania, New Jersey, New York South of 42° Parallel

Sales Points—

1. Philadelphia Naval Shipyard (Navy).

Satellite Activities—All Navy and Marine Corps installations in Area No. 23.

2. Fort Dix (Army).

Satellite activities—All Army installations in Area No. 23 except Letterkenny Ordnance Depot and New Cumberland General Depot.

3. Olmsted AFB (Air Force).

Satellite Activities—All Air Force installations in Area No. 23.

4. Letterkenny Ordnance Depot (Army).

Satellite Activities—New Cumberland General Depot.

5. New York Shipyard (Specialized) (Navy).

Satellite Activities—All Navy installations world-wide for ships only.

Area No. 24—New York State North of 42° Parallel

Sales Point—Schenectady General Depot (Army).

Satellite Activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 24.

Area No. 25—Maine, New Hampshire, Vermont, Massachusetts, Connecticut and Rhode Island

Sales Point—Newport Naval Supply Depot (Navy).

Satellite Activities—All Army, Navy, Air Force and Marine Corps installations in Area No. 25.

[Inclosure 2]

CONSOLIDATED SURPLUS SALES POLICIES AND PRACTICES

I. Definitions.

Personal property—Property of any kind or any interest therein except real property and records of the Federal Government and naval vessels of the following categories: aircraft carriers, battleships, cruisers, destroyers, and submarines. For the purpose of this Instruction naval vessels listed above will be included and treated as personal property.

Consolidated surplus sales office—An activity of a military service designated to perform the sale of surplus personal property of holding activities of one or more military services physically located within an assigned geographical area.

Holding activity—An activity having physical custody or control of surplus personal property.

Specialized surplus sales office—An activity designated to perform the sale of a specialized type of surplus personal property on a nation-wide or world-wide basis.

II. Responsibilities of the military departments.

A. Publish, in coordination with each other, joint instructions to standardize procedures for the operation of consolidated surplus sales offices and holding activities with respect to the sale of surplus personal property.

B. Coordinate the scheduling between sales offices for the sale of like items.

III. Responsibilities of consolidated surplus sales offices.

A. Develop schedules in coordination with holding activities to be followed by holding activities in submitting surplus listings in order that similar material from holding activities may be included in sales offering(s).

B. Determine method of sale which will be most effective for the type of property referred for sale by holding activities and either conduct such sales or authorize the holding activities to conduct sales of items having local holding activity area interest when the holding activity has the capability to conduct such sales and it would be uneconomical or impracticable for the Consolidated Sales Office to do otherwise.

C. Furnish holding activities with an advance copy of sales offerings in order that descriptions may be verified and lots identified and marked to facilitate inspection by prospective buyers.

D. Schedule sales by property type at least once a month or more often when circumstances warrant. Small lots of miscellaneous property not justifying a separate offering will be assembled into one catalogue and will be sold as a miscellaneous offering at least once a month.

E. Review listings of property referred by holding activities to insure that descriptions and other data provided are adequate for an effective sale.

F. Maintain a bidders' list by type of material broken down into commodity groups until such time as this function is performed by the Armed Forces Surplus Property Bidders Registration and Sales Information Office (Reference (d)). At such time all requests for placement on bidding lists will be forwarded to the Armed Forces Surplus Property Bidders Registration and Sales Information Office.

G. Prepare all sales offerings and bring to the attention of the buying public by use of direct mail, notice to trade organizations, by posting in public places, and by both free and paid advertising in newspapers, magazines, radio and television, except that the holding activities may prepare sales offerings and conduct such advertising for those sales it is authorized by the sales office to conduct in accordance with service regulations.

H. Forward sales offerings to the Armed Forces Surplus Property Bidders Registration and Sales Information Office for preparation of mailing list, reproduction and distribution. The sales offices will perform the above functions until such time as the Armed Forces Surplus Property Bidders Registration and Sales Information Office is able to perform them.

I. Make awards on all sales except for those authorized to be conducted by the holding activities. Consult with holding activities before award, when considered appropriate, to assure that prices bid are not below an expected fair return.

J. Issue shipping/delivery instructions to holding activities releasing property to purchasers.

K. Hold meetings with the disposal officers of the holding activities as required for the purpose of reviewing established procedures and to minimize inter-service problems connected with the consolidated sales program.

L. Refer inter-service problems that cannot be solved locally to the appropriate higher headquarters.

M. Provide technical assistance on a continuing basis to holding activities on merchandising matters to include lotting, segregation, display, inspection, etc.

N. Provide information on bidder participation on sales to the holding activity which will assist in the effective lotting, display and merchandising of surplus property for future sales.

O. Provide essential information required by holding activities to complete service reports and analysis of the disposal program.

P. Provide holding activities with information concerning the deposit of proceeds of sales.

Q. Refer surplus property for Department of Justice clearance when appropriate in accordance with service instructions.

R. The consolidated surplus sales offices will have no authority or responsibility with respect to demilitarization policies or procedures or the method or degree of demilitarization.

IV. Responsibilities of holding activities.

A. Lot, segregate and display surplus property in such a manner as to insure maximum return for surplus property.

B. Forward lists of surplus property for sale to the consolidated sales office to which assigned in the prescribed format and schedule.

C. Conduct sales by the retail method in accordance with applicable service directives.

D. May conduct negotiated sales and spot bid sales when it would be uneconomical or impracticable for the consolidated surplus sales office to conduct the sales and prior written approval is obtained from the consolidated surplus sales office, except negotiated sales covering property dangerous to health and welfare or subject to rapid spoilage or deterioration may be accomplished with subsequent notification to the consolidated surplus sales offices when circumstances warrant.

E. Forward all requests for placement on bidders' lists to the assigned consolidated surplus sales office or the Armed Forces Surplus Property Bidders Registration and Sales Information Office, as appropriate.

F. Upon receipt of an advance copy of sales offering, verify description, identify and tag each lot with the appropriate lot number and sales offering. For lots consist-

ing of several large units, mark each unit with lot number and indicate on each card total number of units in the lot.

G. Release material to successful purchaser upon receipt of shipping/delivery instruction from the surplus sales office.

H. Forward completed delivery documents to the assigned consolidated surplus sales office in accordance with service instructions.

I. Notify the consolidated surplus sales office to which assigned immediately when a purchaser fails to remove property in full by the date specified in the sales contract or fails to comply with any other contractual obligation.

J. Refer surplus property for market impact clearance when appropriate in accordance with service instructions.

K. Furnish the consolidated surplus sales office with complete terms and conditions to be included in sales contract for items requiring demilitarization by a contractor. Supervision of contractor demilitarization requirements to insure compliance will normally be provided by the holding activity when property is demilitarized on the military installation. When property is removed from the installation for demilitarization, the consolidated surplus sales office will make necessary arrangements to insure compliance with demilitarization requirements by the contractor.

V. Responsibilities of specialized surplus sales offices.

Specialized Surplus Sales Offices will have the same responsibility as in Section III above for Consolidated Surplus Sales Offices relative to the sale of the specialized commodities assigned.

[F.R. Doc. 60-3496; Filed, Apr. 18, 1960; 8:45 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

WILLIAM M. FIRSHING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER during the last six months.

A. Deletions: No change.

B. Additions: No change.

This statement is made as of April 6, 1960.

Dated: April 6, 1960.

WILLIAM M. FIRSHING.

[F.R. Doc. 60-3508; Filed, Apr. 18, 1960; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

Amendment of Proposed Withdrawal and Reservation of Lands

APRIL 12, 1960.

Effective immediately, Paragraph one of the Notice of Proposed Withdrawal and Reservation of Lands, published

pursuant to application of the U.S. Forest Service, Department of Agriculture, Serial Number Colorado 031073 as Federal Register Document 59-11126 in the issue for December 30, 1959 at page 10988 is hereby amended to delete the following phrase "from location and entry under the General Mining Laws", and to substitute therefor the following "all forms of appropriation under the public land laws, including location and entry under the General Mining Laws, except the Mineral Leasing Laws."

J. ELLIOTT HALL,
Lands and Minerals Officer.

[F.R. Doc. 60-3500; Filed, Apr. 18, 1960;
8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-106]

OREGON STATE COLLEGE

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R-51 issued to Oregon State College. The amendment authorizes the licensee to operate its nuclear reactor Model AGN-201, Serial No. 114, located on its campus in Corvallis, Oregon, with the scram circuitry modified as described in its application for license amendment dated February 16, 1960.

The Commission has found that operation of the reactor in accordance with the terms and conditions of the license, as amended, will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since the conduct of the proposed activities does not present any substantial changes in the hazards to the health and safety of the public from those presented by the previously approved operation of the reactor.

In accordance with the Commission's "Rules of Practice" (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of the issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within thirty days after issuance of the license amendment. Such request should be addressed to the Secretary, AEC, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C. For further details, see (1) the application for license amendment dated February 16, 1960, submitted by Oregon State College and (2) a hazards analysis of the proposed operation of the reactor prepared by the Hazards Evaluation Branch of the Division of Licensing and Regulation, both on file at the AEC's Public Document Room. A copy of item (2) above may be obtained at the AEC's Public Document Room or upon request addressed to the Atomic Energy Commis-

sion, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 12th day of April 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.
[License No. R-51 Amdt. 2]

License No. R-51 issued on November 13, 1958, which authorizes Oregon State College to possess and operate reactor Model AGN-201, Serial No. 114, on its campus at Corvallis, Oregon, is hereby amended as follows:

Wherever referred to in the license the term, "application", includes, collectively, Oregon State College's application for license dated April 29, 1958, and amendments thereto dated August 1, 1958, March 4, 1959, and February 16, 1960.

This amendment is effective as of the date of issuance.

Date of issuance: April 12, 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director,
Division of Licensing and Regulation.
[F.R. Doc. 60-3493; Filed, Apr. 18, 1960;
8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10981]

ALLEGHENY AIRLINES, INC., ENFORCEMENT CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 10, 1960, 10:00 a.m., e.d.s.t., in Room 911, Universal Building, Florida and Connecticut Avenues NW., Washington, D.C. before Examiner Walter W. Bryan.

Dated at Washington, D.C., April 13, 1960.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 60-3521; Filed, Apr. 18, 1960;
8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority 380]

ATTORNEY GENERAL OF THE UNITED STATES

Lease of Real Property in Fauquier County, Va.

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the Attorney General of the United States to renew the leases which were entered into pursuant to Delegation of Authority dated April 15, 1955, for the rental of property in Fauquier County, Virginia, with improvements for radio transmitting and receiving purposes, for the five year term

beginning on September 22, 1960, and ending with September 21, 1965, in accordance with the provisions of the lease.

2. This authority is delegated subject to determination by the Attorney General of the United States that no other suitable space can be obtained at a lesser rental.

3. The Attorney General of the United States may redelegate this authority to any officer or employee of the Department of Justice.

4. This delegation of authority is effective immediately.

Dated: April 11, 1960.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 60-3483; Filed, Apr. 15, 1960;
8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2555]

CEMEX OF ARIZONA, INC.

Order Postponing Date of Hearing

APRIL 13, 1960.

The Commission, by order dated April 8, 1960, having ordered a hearing in the above entitled matter pursuant to section 3(b) and the Securities Act of 1933, as amended, and Rule 261 thereunder and said hearing being now scheduled to commence on April 18, 1960 at 10:00 a.m. in the State A.S.C. Committee Conference Room, 1001 North First Street, Phoenix, Ariz.; and

Cemex of Arizona, Inc., and its counsel having requested that such hearing be postponed; and counsel for the Division of Corporation Finance not objecting thereto;

It is ordered, That the hearing scheduled to commence on April 18, 1960 be, and hereby is, postponed to commence on June 6, 1960 at 10:00 a.m., Mountain Standard Time, at the State A.S.C. Committee Conference Room, 1001 North First Street, Phoenix, Ariz., and to continue thereafter at such time and place as the hearing officer may determine.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-3503; Filed, Apr. 18, 1960;
8:46 a.m.]

[File No. 24D-2293]

CHAMPION VENTURES, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

APRIL 13, 1960.

I. Champion Ventures, Inc., a Colorado corporation, 600 Mile High Center Denver, Colorado, filed with the Commission on March 19, 1958, a notification on Form 1-A and an offering circular relating to an offering of 2,950,000 shares of its \$0.001 par value common stock at

10 cents per share for an aggregate of \$295,000 and filed various amendments thereto, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) thereof, and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that Champion Ventures, Inc. has failed to file reports of sales on Form 2-A as required by Rule 260.

B. Champion Ventures, Inc. has failed to cooperate within the meaning of Rule 261(a) (7) by failing to respond to staff letters regarding the filing.

III. It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-3504; Filed, Apr. 18, 1960;
8:46 a.m.]

[File No. 812-1288]

MADISON FUND, INC., AND INTERNATIONAL MINING CORP.

Notice of Filing of Application for Order Exempting From Section 17(a) Transactions Between Affiliates Incident to a Merger

APRIL 12, 1960.

Notice is hereby given that Madison Fund, Inc. ("Madison"), a registered closed-end diversified investment company, and International Mining Corporation ("IMC"), an affiliated person of Madison, have filed a joint application pursuant to section 17(b) of the Investment Company Act of 1940 ("Act") for an order exempting from the provisions of section 17(a) of the Act certain transactions described below incident to the proposed acquisition by a wholly-owned subsidiary of IMC, through a merger, of

all of the assets of Canton Company of Baltimore ("Canton"), a majority-owned subsidiary of Madison.

IMC, a Delaware corporation, is primarily engaged, directly and through a wholly-owned subsidiary and a controlled company, in the exploration, development and operation of mineral, oil, gas and other natural resources properties. IMC also has two remaining retail department store subsidiaries whose business and operations have been terminated, and these subsidiaries, together with a related real estate subsidiary, are in the process of liquidation. IMC's total assets on a consolidated basis as of December 31, 1959, were \$19,969,611. The outstanding securities of IMC at December 31, 1959, consisted of a \$4,943,350 principal amount 5 percent Promissory Note due March 31, 1961, and 600,000 shares of common stock. South American Gold & Platinum Company, which is also engaged in the extractive resources industries, controls IMC through the ownership of 36.4 percent, of its common stock. Madison owns 8.3 percent of the common stock of IMC.

Canton, a Maryland corporation, operates an integrated marine terminal in the Port of Baltimore, Maryland. It owns piers, warehouses, a terminal railroad and other waterfront facilities which it uses for the unloading, storage and delivery of iron and other steel making ores, bulk cargoes and general freight, and it also owns miscellaneous real estate in the City of Baltimore and environs. Canton's total assets on a consolidated basis as of December 31, 1959, were \$13,087,610. The outstanding securities of Canton at December 31, 1959, consisted of a \$3,697,000 principal amount 4¼ percent Promissory Note due in installments to December 1, 1967, and 433,195 shares of common stock. Madison owns 342,500 shares or approximately 79 percent of the common stock of Canton; Alex. Brown & Sons ("Brown"), a partnership engaged in the stock brokerage business, owns 57,780 shares or about 13 percent of the common stock of Canton; and the remaining 32,915 shares of Canton are owned by public investors and employees of Canton.

Pursuant to an agreement dated February 24, 1960, it is proposed that a wholly-owned subsidiary of IMC will acquire through merger all of the assets of Canton for cash and notes of IMC in the total amount of \$10,829,875, equivalent to \$25 per share for the presently outstanding stock of Canton. The agreement provides, among other things, that Canton will be merged into Northside Warehouse Corporation, a Maryland corporation, all of whose common stock will be owned by IMC. The merged company (hereinafter referred to as the "Surviving Corporation") will change its name to Canton Company of Baltimore. The stock of Canton will be converted by the merger into shares of preferred stock of the Surviving Corporation on the basis of one share of preferred stock for each of the 433,195 shares of common stock of Canton presently outstanding. The preferred stock of the Surviving Corporation will be nonvoting, have a par value

of \$2.50 per share, be entitled to cumulative cash dividends at the annual rate of \$1.50 per share and will be entitled upon redemption and in liquidation to \$25 per share plus unpaid accrued dividends.

Immediately after the merger becomes effective and the former stockholders of Canton have thereby become preferred stockholders of the Surviving Corporation, the latter will make an irrevocable offer to all holders of its new preferred stock to purchase all shares of such preferred stock tendered by them within a 60-day period at a cash price of \$25 per share plus unpaid dividends accrued to the date of payment. Purchase of all the preferred stock would require total payments of approximately \$10,830,000, exclusive of payments for accrued dividends. For the purpose, IMC will issue notes in the principal amount of \$10,830,000 and will deliver to the Surviving Corporation to enable it to purchase the preferred stock (1) \$3,000,000 cash proceeds of the sale of a like principal amount of such notes, or of a bank loan for which \$3,000,000 of such notes will be pledged as security, and (2) the remaining \$7,830,000 principal amount of such notes, or, in the alternative, \$2,000,000 cash from the sale of notes and \$5,830,000 principal amount of notes.

The \$3,000,000 of cash from the sale or pledge of IMC notes will be applied by the Surviving Corporation to the purchase of the 57,780 shares of preferred stock owned by Brown, all of which Brown has agreed to tender, and to the purchase of such of the 32,915 shares of preferred stock as shall be tendered by the public investors and employees of Canton. Such purchases will require cash in the maximum amount of \$2,267,375, plus payments for accrued dividends. Madison has also agreed to tender its holdings of 342,500 shares of preferred stock of the Surviving Corporation and to accept for the purchase price of \$8,562,500 plus accrued dividends for such shares the notes of IMC up to the \$7,830,000 principal amount not sold or pledged by IMC and cash for the excess of such purchase price over the principal amount of the notes and accrued interest.

The 32,915 shares (approximately 8 percent) of the stock of Canton owned by holders other than Madison and Brown were sold by Canton in an intra-state offering in 1956 at a price of \$26.50 a share or were issued upon exercise of stock options by employees of Canton. The application states that in the interest of good relations with employees and public investors of Canton, Madison has agreed to make arrangements to enable each holder of any of such shares to sell his holdings for \$26.50 per share upon or prior to the merger. In addition, IMC will be obligated by the terms of the indenture under which its notes will be issued to cause the Surviving Corporation to redeem within four months after the merger all of its outstanding preferred stock which shall not have previously been tendered pursuant to the merger agreement.

The \$10,830,000 principal amount of notes to be issued by IMC will consist of

ten notes which will bear interest at the annual rate of 7 percent. Nine of the notes (notes 1 to 9) will be in the principal amount of \$1,000,000 each and will mature serially one to nine years, respectively, after the date of the merger. The tenth note (note 10) will be in the principal amount of \$1,830,000 and will mature ten years after the merger. The notes will be secured by the pledge of all of the outstanding common stock of the Surviving Corporation and 500,000 shares of the capital stock of Placer Development, Limited, a controlled company of IMC having mining interests in the United States and a number of foreign countries.

Notes 1, 2 and 3 in the aggregate principal amount of \$3,000,000 and bearing the earliest maturities will, if pledged to secure a bank loan, be entitled to a lien on the pledged collateral prior to the lien of the other notes, which will rank equally among themselves. The application states that IMC has made arrangements with a bank to borrow \$3,000,000 at an interest rate of 6 percent per annum against the pledge of notes 1, 2 and 3, which arrangements cannot be reduced to a written commitment until completion in final form of the note indenture and bank loan agreement. The application further states that discussions with prospective purchasers of notes 4 and 5 in the aggregate principal amount of \$2,000,000 has indicated their probable sale at the full principal amount, but that no formal commitment has yet been made. Neither IMC nor Madison is obligated under the terms of the agreement to consummate the proposed acquisition of Canton unless a satisfactory commitment for the sale of such notes is obtained, and the application states that neither IMC nor Madison intends, in any event, to sell such notes for less than the principal amount. The balance of the notes (nos. 6 to 10) in the aggregate principal amount of \$5,830,000 will be delivered to Madison.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to or purchasing from such registered company or person controlled by such registered company, any securities or other property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17(b) may grant an exemption from the provisions of section 17(a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act. Since the transactions involve the acquisition, through merger, by an affiliated person (Northside Warehouse Corporation) of an affiliated person (IMC) of a registered investment company (Madison) of assets from a company (Canton) controlled by

such registered investment company, the proposed exchanges and purchases of securities to effect the merger are subject to the provisions of section 17(a) of the Act.

The application states that prior to Madison's agreement with IMC for the sale of Canton for a price equivalent to \$25 per share for the presently outstanding stock, Madison had actively negotiated with nonaffiliated persons for the sale of Canton, in accordance with Madison's policy of achieving diversification of investments and removing itself from a management position. During 1959 an offer for Canton equivalent to between \$19 and \$20 per share payable in cash, and another offer of \$25 per share payable in substantial amount in notes and stock, were rejected by Madison as being inadequate or less favorable than the IMC offer. Prior to these offers, an agreement had been entered into by Madison for the sale of the Canton assets, exclusive of unimproved real estate, at a price equivalent to \$22.66 per share for the Canton stock, but for technical reasons, the parties were unable to consummate the transaction.

The price of \$25 per share for the Canton stock approximates 12 times per share earnings of Canton for each of the years 1958 and 1959, and the annual dividends paid by Canton in such years represents a yield of approximately 7 percent on such price. There is no active public market for the Canton stock in view of the relatively small amount held by public investors. Market quotations of the stock in the over-the-counter market during the past two years have ranged (except for one bid of 30 in April 1959) between 25 and 28.

The application states that the proposed notes of IMC which, together with cash proceeds of a portion thereof, will be delivered in payment for the preferred stock of the Surviving Corporation, will be secured by collateral having a value exceeding one and one-half times the principal amount of the notes. It is stated that the cash flow from IMC's assets and earnings, including the earnings of Canton and the tax benefits of carry-forward tax losses available to IMC from its past operations, are expected to be more than sufficient to meet IMC's obligations on the notes, without the necessity of the sale by IMC of any of the securities constituting the collateral securing the notes.

Consummation of the agreement providing for the merger is conditioned, among other things, upon the prior approval of the shareholders of IMC and Canton. Madison and Brown have agreed to vote their shares of Canton in favor of the merger. Shareholders of Canton have the right, under Maryland law, to vote against the merger and obtain an appraisal of their shares and receive payment therefor from the assets of Canton in lieu of becoming holders of the preferred stock of the Surviving Corporation and having the alternative of tendering their shares pursuant to the agreement.

Notice is further given that any interested person may, not later than April 27, 1960, submit to the Commission in

writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-3505; Filed, Apr. 18, 1960;
8:46 a.m.]

[File No. 812-1222]

LOOMIS-SAYLES FUND OF CANADA, LTD.

Notice of Application for Order Permitting Consummation of Purchases of Government Obligations in Canada

APRIL 12, 1960.

Notice is hereby given that Loomis-Sayles Fund of Canada, Ltd. ("Applicant"), a Canadian corporation registered as an open-end diversified investment company under the Investment Company Act of 1940 ("Act"), has filed an application for an order pursuant to section 7(d) of the Act, authorizing the Applicant to amend its by-laws and permitting Applicant through its custodian to consummate in Canada purchases of obligations issued or guaranteed by any federal, provincial or municipal authority in Canada, under certain circumstances as set forth below.

Applicant was organized under the Companies Act of the Dominion of Canada on January 19, 1959. On July 6, 1959, this Commission issued an order pursuant to the provisions of section 7(d) of the Act and Rule 7d-1 thereunder, granting an application of Applicant to register as an investment company under the Act, and to make a public offering of its securities in the United States by the use of the mails or means or instrumentalities of interstate commerce (Investment Company Act Release No. 2895). The said application stated, among other things, that so long as Applicant is registered under the Act, Applicant's Charter and By-Laws, taken together, will contain in substance the provisions set forth in subparagraph (8) of paragraph (b) of Rule 7d-1 under the Act, and that neither will be amended in any manner inconsistent therewith unless authorized by the Commission. The said subparagraph and Applicant's By-Laws and Custodian Contract require that the custodian of Applicant shall maintain in its sole custody in the United

States all of the Applicant's securities and cash other than cash necessary to meet Applicant's current administrative expenses, and that the custodian shall consummate all purchases and sales of securities by Applicant, other than purchases and sales on an established securities exchange, through the delivery of securities and receipt of cash, or vice versa, within the United States.

The application granted by the Commission also stated in subparagraph (i) of paragraph 4 that all contracts of the Applicant, other than those executed on a national securities exchange, which do not involve affiliated persons, will provide that (A) such contracts, irrespective of the place of their execution or performance, will be performed in accordance with the requirements of the Act, the Securities Act of 1933, and the Securities Exchange Act of 1934, as amended, if the subject matter of such contracts is within the purview of such acts; and (B) in effecting the purchase or sale of assets the parties thereto will utilize the United States mails or means of interstate commerce.

Applicant states that in connection with the purchase of government obligations otherwise than on an established securities exchange in Canada, compliance with the provisions of its By-Laws and Custodian Contract, as noted above, is likely to result in delay and loss of interest for the period required to consummate the transaction in the United States, a period of from two to four business days, since Applicant is not entitled to interest on such obligations until they are delivered and paid for at the office of its custodian in New York City.

The application recites that the purpose served by the required settlement of over-the-counter transactions in the United States is to establish a basis for jurisdiction in the United States over the entire transaction and the parties thereto in order to eliminate or minimize the risk of Applicant being misled or in some other way victimized and having no practical recourse. Applicant states, in effect, that considering the identity of the issuers of the securities proposed to be purchased, and the methods employed in their distribution upon original issuance through banks, securities brokers and dealers, that purchases of such securities under the limitations proposed makes unnecessary in the interests of the public and investors compliance with its original undertaking to consummate such purchases in the United States.

Applicant therefore requests that an order be entered by the Commission under section 7(d) of the Act (1) permitting Applicant through its custodian to consummate in Canada purchases of obligations issued or guaranteed by any federal, provincial or municipal authority in Canada, on the original issue of such obligations, if such purchase is made directly from the issuer or is made from a bank, banker or broker upon the first public offering of the obligation and at the initial offering price, provided that such purchase is not otherwise prohibited by Article 12 of Applicant's By-Laws, relating to transactions with affiliated persons, and (2) authorizing Applicant

to amend its By-Laws and its Custodian Contract in connection therewith.

Section 7(d) of the Act, among other things, authorizes the Commission, upon application, to issue a conditional or unconditional order permitting a foreign investment company to register under the Act and to make a public offering of its securities by use of the mails and means or instrumentalities of interstate commerce, if the Commission finds that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the Act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors. Since the proposals herein would represent a modification of the agreements and undertakings upon the basis of which the Commission granted the application for Applicant's registration, such modification would require approval pursuant to the provisions of section 7(d) of the Act.

Notice is further given that any interested person may, not later than April 26, 1960, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DuBois,
Secretary.

[F.R. Doc. 60-3506; Filed, Apr. 18, 1960;
8:46 a.m.]

[File No. 812-1273]

SECURITIES CORPORATION GENERAL

Notice of and Order for Hearing To Determine Whether Order Issued by the Commission Should Be Revoked

APRIL 12, 1960.

On December 11, 1959, Securities Corporation General ("SCG"), a registered closed-end, non-diversified investment company filed an application under section 17(b) of the Investment Company Act of 1940 (the "Act") for an order exempting from the provisions of section 17(a) of the Act the proposed acquisition by Dynamics Corporation of America ("DCA") from SCG of a total of 77,395 shares of the common stock of Anemostat Corporation of America ("Anemostat").

The application filed by SCG also requested an order pursuant to section 23(c) (3) of the Act permitting SCG to

purchase from DCA 4,757 shares of SCG preferred stocks.

At the time said application was filed, the assets of SCG except for a relatively small amount of cash and minor miscellaneous assets consisted of 131,355 shares of the common stock of DCA, or 4.95 percent of DCA's outstanding common stock, and 77,395 shares of the common stock of Anemostat, or 51.25 percent of the Anemostat's total outstanding common stock. At that time, DCA owned 49,636½ shares of the common stock of Anemostat or 32.87 percent of the total amount of such stock outstanding.

DCA is engaged, directly and through wholly owned subsidiaries, in the business of manufacturing specialized and general electronics products, communications equipment, electrical appliances, quartz crystals and small motors. Anemostat's principal business is the manufacture of air diffusing equipment and related equipment for air conditioning systems.

Until November 10, 1959, DCA controlled SCG through ownership of 150,593 shares of the latter's common stock or about 55 percent of the total amount of such stock outstanding and on that date DCA disposed of its entire investment in the common stock of SCG to John R. Peddy, David Finkle, G. B. Henderson and others.

On December 30, 1959, the Commission issued an order exempting the above-mentioned transactions from the provisions of section 17(a) of the Act, pursuant to the provisions of section 17(b) of the Act, and from the provisions of section 23(c) (3) of the Act, permitting SCG to purchase SCG preferred stock on the condition that SCG carry out its commitment to invite tenders of its preferred stocks, the elimination of arrears thereon, and the payment of current dividend requirements on such preferred stocks as set forth in SCG's application.

As a result of a private investigation conducted by members of its staff, the following information has been reported to the Commission:

(A) The members of the board of directors of SCG who were purporting to serve SCG as such at the time of the sale of the stock of Anemostat and at the time the application mentioned above was filed with the Commission were not elected in accordance with the provisions of section 16(a) of the Act.

(B) The application filed on December 11, 1959 for and on behalf of SCG by its purported president pursuant to a resolution of SCG's purported board of directors adopted at a meeting of said board of directors held on December 2, 1959 violated Rule O-2 of the general rules and regulations under the Investment Company Act of 1940 in that said president was elected by a board of directors the members of which had not been elected in accordance with the provisions of section 16(a) of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held;

It is ordered, Pursuant to section 40(a) of the Act, that a hearing under the applicable provisions of the Act and of the rules of the Commission thereunder

be held on the 5th day of May 1960, at 10:00 a.m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. to determine whether the order of the Commission issued in this matter on December 30, 1959 should be revoked. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice on or before the date provided in the Rule setting forth any issues of law or fact which he desires to controvert or any additional issues which he deems raised by this notice and order.

It is further ordered, That Irving Schiller, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to SCG that Securities Corporation General shall give such notice to all holders of its common stock (insofar as the identity of such stockholders is known or available to it) by mailing a copy of this notice to each of said stockholders at his last known address not later than April 26, 1960 and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-3507; Filed, Apr. 18, 1960;
8:46 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Condi-

tions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Abetta Sportswear, Inc., Page Mill, Bonney Street, New Bedford, Mass.; effective 3-24-60 to 3-23-61 (women's rayon dresses).
Cookeville Shirt Manufacturing Co., Cookeville, Tenn.; effective 3-24-60 to 3-23-61 (men's dress and sport shirts).

Empire Manufacturing Co., Winder, Ga.; effective 4-1-60 to 3-31-61 (pants).

Oklahoma Clothing Manufacturers, Inc., Wewoka, Okla.; effective 3-24-60 to 3-23-61 (jeans, cotton pants).

Publix Manufacturing Corp., Gallitzin, Pa.; effective 3-26-60 to 3-25-61 (men's and boys' sport shirts).

Robville Manufacturing Co., Robersonville, N.C.; effective 3-27-60 to 3-26-61 (children's slacks, shirts and sport coats).

Salant & Salant, Inc., Troy Road, Obion, Tenn.; effective 3-28-60 to 3-27-61 (men's cotton work pants).

Serbin, Inc., Fayetteville, Tenn.; effective 3-25-60 to 3-24-61. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' dresses and sportswear).

Tioga Sportswear Corp., 69 Alden Street, Fall River, Mass.; effective 3-27-60 to 3-26-61 (men's and boys' sport jackets).

Russell Williams Co., 418-428 West Mahanoy Avenue, Mahanoy City, Pa.; effective 4-4-60 to 4-3-61 (misses' and ladies' dresses and quilted robes).

Vineland Sportswear, Inc., 417 Wood Street, Vineland, N.J.; effective 3-23-60 to 3-22-61. Learners may not be engaged at special minimum wage rates in the production of separate skirts (ladies' slacks, shorts; men's single pants).

The following learner certificate was issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bedford-National, Inc., Bonney Street, Page Mill, New Bedford, Mass.; effective 3-24-60 to 3-23-61; eight learners (women's rayon dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bishopville Manufacturing Co., Inc., Gregg Street, Bishopville, S.C.; effective 3-25-60 to 9-8-60; 20 learners (supplemental certificate) (women's cotton wash dresses).

Ely and Walker, A Division of Burlington Industries, Canton, Miss.; effective 3-24-60 to 9-23-60; 30 learners (men's and boys' sport shirts).

Lucky Star Industries, Inc., Baldwyn, Miss.; effective 3-23-60 to 9-22-60; 20 learners (boys' and men's blue denim jeans).

Salant & Salant, Inc., Troy Road, Obion, Tenn.; effective 3-28-60 to 9-27-60; 45 learners (men's cotton work pants).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.66, as amended).

Seattle Glove Co., 519 12th Avenue South, Seattle, Wash.; effective 4-6-60 to 4-5-61; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Grenada Industries, Inc., Grenada, Miss.; effective 3-21-60 to 9-20-60; 15 learners for plant expansion purposes (full-fashioned, seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Rockwood Undergarment Co., Inc., Rockwood, Pa.; effective 3-24-60 to 3-23-61; five learners for normal labor turnover purposes (ladies' knitted panties).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

The Fechheimer Brothers Co., 400 Pike Street, Cincinnati, Ohio; effective 3-21-60 to 9-20-60; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of at least 90 cents and hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours (tailored and ready-made uniforms).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

The Bravada Corp., Arecibo, P.R.; effective 2-29-60 to 2-28-61; 25 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators for a learning period of 480 hours at the rates of 54 cents an hour for the first 240 hours and 63 cents an hour for the remaining 240 hours; (2) final inspection of fully assembled garments for a learning period of 160 hours at the rate of 54 cents an hour (tee shirts and briefs).

Steer Leather Goods Corp., Caguas, P.R.; effective 3-2-60 to 9-1-60; 45 learners for plant expansion purposes in the occupations of: (1) sewing machine operators for a learning period of 320 hours at the rates of 43 cents an hour for the first 160 hours and 50 cents an hour for the remaining 160 hours; (2) the single occupation of creasing and embossing machine operator for a learning period of 160 hours at the rate of 43 cents an hour; (3) die and clicker machine operator (leather cutting) for a learning period of 160 hours at the rate of 43 cents an hour (leather billfolds).

Steer Leather Goods Corp., Caguas, P.R.; effective 3-2-60 to 3-1-61; 10 learners for normal labor turnover purposes in the occupations of: (1) sewing machine operators for a learning period of 320 hours at the rates of 43 cents an hour for the first 160 hours and 50 cents an hour for the remaining 160 hours; (2) the single occupation of creasing and embossing machine operator for a learning period of 160 hours at the rate of 43 cents an hour; (3) die and clicker machine operator (leather cutting) for a learning period of 160 hours at the rate of 43 cents an hour (leather billfolds).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated

therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 31st day of March 1960.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 60-3501; Filed, Apr. 18, 1960;
8:45 a.m.]

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bur-Mac Corp., 450 East Hancock Avenue, Athens, Ga.; effective 4-1-60 to 3-31-61 (men's ivy league slacks and shorts).

Capitol City Manufacturing Co., Inc., 925 Huger Street, Columbia, S.C.; effective 4-2-60 to 4-1-61 (women's wash dresses).

Cater Frock Co., New Braunfels, Tex.; effective 4-9-60 to 4-8-61 (children's dresses).

Charleston Manufacturing Co., Stark Industrial Park, Charleston, S.C.; effective 3-31-60 to 3-30-61 (ladies' wash dresses).

Culler and Oblander, Inc., North, S.C.; effective 4-1-60 to 3-31-61 (children's play clothes).

Durant Sportswear, Inc., Durant, Miss.; effective 3-30-60 to 3-29-61 (men's and boys' jackets—outerwear).

Eagle-Freedman-Roedelheim Co., Fifth and Juniper and Apple Streets, Quakertown, Pa.; effective 3-31-60 to 3-30-61 (men's dress and sport shirts; women's shirts).

Fortex Manufacturing Co., Inc., Fort Deposit, Ala.; effective 4-7-60 to 4-6-61 (men's and boys' pajamas).

M.T. Co., Spartanburg Highway, Hendersonville, N.C.; effective 4-1-60 to 3-31-61. Learners may not be employed in the production of separate skirts at less than \$1.00 an hour (missy and children's playwear).

Nelly Don, Inc., Nevada, Mo.; effective 4-15-60 to 4-14-61 (women's dresses).

Oneonta Plains Manufacturing Co., Inc., 359 Chestnut Street, Oneonta, N.Y.; effective 4-2-60 to 4-1-61 (missy and junior dresses).

Reliance Manufacturing Co., Tyrone, Pa.; effective 3-31-60 to 3-30-61 (men's cotton work pants).

Stone Manufacturing Co., Poinsett Highway, Greenville, S.C.; effective 4-9-60 to 4-8-61 (children's and ladies' cotton and nylon slips; children's playwear).

Wagener Manufacturing Co., Inc., Wagener, S.C.; effective 4-11-60 to 4-10-61 (shirts, robes, cabana sets).

Waycross Sportswear, Inc., 801 Francis Street, Waycross, Ga.; effective 3-30-60 to 3-29-61 (men's and boys' cotton woven jackets and outerwear).

Weldon Manufacturing Co., of Pa., Muncy, Pa.; effective 4-1-60 to 3-31-61 (women's, girls', men's and boys' pajamas).

Windon Manufacturing Co., Winona, Miss.; effective 3-31-60 to 3-30-61 (men's shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Amy Togs, 787 Hazle Street, Ashley, Pa.; effective 3-30-60 to 3-29-61; five learners (ladies' dresses).

Brooks Contracting Co. of Clarksville, Inc., 112 East Main, Clarksville, Tex.; effective 4-1-60 to 3-31-61; five learners (women's work uniforms).

Fidelity Sportswear, 94-96 East Main Street, Miners Mills, Pa.; effective 3-28-60 to 3-27-61; six learners (women's blouses).

Glen-Gould, Inc., Panama City, Fla.; effective 3-29-60 to 3-28-61; 10 learners (junior and women's dresses).

Manila Manufacturing Co., Manila, Ark.; effective 4-13-60 to 4-12-61; 10 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (maternity separates, ladies' daytime street dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Bur-Mac Corp., 450 East Hancock Avenue, Athens, Ga.; effective 4-1-60 to 9-30-60; 10 learners (men's ivy league slacks and shorts).

Charleston Manufacturing Co., Stark Industrial Park, Charleston, S.C.; effective 3-31-60 to 9-30-60; 20 learners (ladies' wash dresses).

Durant Sportswear, Inc., Durant, Miss.; effective 3-30-60 to 9-29-60; 75 learners (men's and boys' jackets—outerwear).

Helena Garment Co., LePanto Division, LePanto, Ark.; effective 3-30-60 to 9-29-60; 30 learners. Learners may not be engaged at special minimum wage rates in the production of separate skirts (junior dresses).

M.T. Co., Spartanburg Highway, Hendersonville, N.C.; effective 4-5-60 to 10-4-60; 25 learners. Learners may not be employed in the production of separate skirts at less than \$1.00 an hour (missy and children's playwear).

Robertsdale Slacks, Inc., Robertsdale, Ala.; effective 4-4-60 to 10-3-60; 50 learners (men's pants).

Fred Ronald Manufacturing Co., North Eighth Street, Neodesha, Kans.; effective 3-31-60 to 9-30-60; 75 learners (children's shirts).

Sustan Garments, Inc., Winnsboro, La.; effective 4-15-60 to 10-14-60; 100 learners (men's and boys' cotton trousers).

Troutman Shirt Co., Inc., Mooresville, N.C.; effective 4-4-60 to 10-3-60; 50 learners (pants, shirts).

Waycross Sportswear, Inc., 801 Francis Street, Waycross, Ga.; effective 3-30-60 to 9-29-60; 25 learners (men's and boys' cotton woven jackets and outerwear).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.44, as amended).

Davenport Hosiery Mills, Inc., Ellijay, Ga.; effective 3-31-60 to 9-30-60; 30 learners for plant expansion purposes (seamless).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Sun Fashions of Maui, Ltd., Kahului Airport, Kahului, Maui, Hawaii; effective 4-4-60 to 4-3-61; five learners for normal labor turnover purposes in the occupation of sewing machine operators for a learning period of 480 hours at the rates of at least 85 cents an hour for the first 320 hours and not less than 90 cents an hour for the remaining 160 hours (dresses, bathing suits, mumuus, pants—women's; men's shirts).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C. this 7th day of April 1960.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[F.R. Doc. 60-3473; Filed, Apr. 15, 1960;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 298]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 14, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62992. By order of April 12, 1960, The Transfer Board approved the transfer to Semloh Trucking Company, Limited, Point Edward, Ontario, Canada, of Permit No. MC 109205 Sub 2, issued September 13, 1951, to Reid Transports, Ltd., Point Edward, Ontario, Canada, authorizing the transportation of: Slag, from Ecorse, Mich., and points within 5 miles of Ecorse, to the boundary of the United States and Canada at Port Huron, Mich.; metal castings, from the boundary of the United States and Canada at Port Huron, Mich., to the boundary of the United States and Canada at Detroit, Mich., for operating convenience only; empty vehicles, used in the above-described operations, from the boundary of the United States and Canada at Detroit, Mich., to Ecorse, Mich., and points within five miles thereof. John M. Veale, Guardian Building, Detroit 26, Mich., for applicants.

No. MC-FC 63004. By order of April 12, 1960, The Transfer Board approved the transfer to Bald Eagle Transfer Company, a corporation, Lock Haven, Pennsylvania, of that portion of the operating rights issued to Lee Graham, doing business as Lock Haven Transfer, Lock Haven, Pennsylvania, in Certificate No. MC 93419, July 14, 1941, authorizing the transportation of paper, over irregular routes, from Lock Haven, Pa., to Baltimore, Md., and Endicott, N.Y. John W. Frame, 603 North Front Street, Harrisburg, Pa., for applicants.

No. MC-FC 63095. By order of April 12, 1960, The Transfer Board approved the transfer to Donald W. Barnes and John R. Campbell, a partnership, doing business as Tri-State Transit Co., East Liverpool, Ohio, of the operating rights issued to Andrew H. Holtz, doing business as Holtz Transportation Company, East Liverpool, Ohio, in Certificate No. MC 115936, November 9, 1956, authorizing the transportation, over irregular routes, of passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Wells-ville, Ohio, and Midland, Pa. Lawrence

W. Smith, P.O. Box 14, East Liverpool, Ohio, for applicants.

No. MC-FC 63099. By order of April 12, 1960, The Transfer Board approved the transfer to Davis Moving Service, Inc., 19 East Bowery St., Newport, R.I., of Certificate in No. MC 105593, issued October 9, 1946, to Manuel Davis, doing business as Davis Moving Service, 488 Greenend Ave., Middletown, R.I., authorizing the transportation of: Household goods, as defined by the Commission, over irregular routes between points in Newport County, R.I., on the one hand, and, on the other, points in Massachusetts, Connecticut and New York.

No. MC-FC 63111. By order of April 12, 1960, The Transfer Board approved the transfer to Richard H. Claussen, doing business as Claussen Carrier, Kouts, Inc., of the operating rights issued to M. W. Taylo, doing business as Taylo Trucking Company, Rensselaer, Ind., in Certificate No. MC 16771, October 10, 1949, authorizing the transportation, over irregular routes, of livestock and agricultural commodities, feed, farm machinery, fertilizer, oil, in containers, horses, automobile tires and accessories, from and to specified points in Indiana, Illinois, Michigan and Ohio. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis, Ind.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-3520; Filed, Apr. 18, 1960;
8:47 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 14, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 36152: *Furniture—Bryan, Tex., to Colorado and Wyoming points.*

Filed by Southwestern Freight Bureau, Agent (No. B-7772), for interested rail carriers. Rates on furniture, in carloads, as described in the application from Bryan, Tex., to Colorado Springs, Denver, Greeley, La Junta, Las Animas, Loveland, Pueblo, Trinidad, Colo., and Cheyenne, Wyo.

Grounds for relief: Market competition.

Tariff: Supplement 230 to Southwestern Freight Bureau tariff I.C.C. 4136.

FSA No. 36153: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 383), for interested rail carriers. Rates on chemicals, also paper and paper articles, in tank-car loads, or carloads, as described in the application between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Intrastate competition and maintenance of rates from or to points in other States not subject to the same competition.

Tariff: Supplement 101 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36154: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 384), for interested rail carriers. Rates on chemicals, also paper and paper articles, in tank-car loads, or carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining States.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 101 to Texas-Louisiana Freight Bureau tariff, I.C.C. 865.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-3519; Filed, Apr. 18, 1960;
8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

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